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National Municipal Review

Vol. XII, No. 1 January, 1923 Total No. 79

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Editor

HAROLD W. DODDS

Associate Editors

Initiative and Referendum:
JAMES D. BARNETT,
Professor of Political Science, University of Oregon.

Taxation and Assessments:
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NATIONAL MUNICIPAL REVIEW

VOL. XII, No. 1 JANUARY, 1923 TOTAL No. 79

COMMENT

Baltimore, the oldest city with a bicameral council, has adopted a charter amendment establishing a single chamber legislative body. Kansas City stands now practically alone as the last exponent of the two chamber idea.

◆

The Missouri constitutional convention has to date agreed upon some important changes in the constitution. They include an executive budget of the Maryland type, state administrative consolidation, and party discretion as to use of the direct primary. See "Notes and Events" for more complete information.

◆

The only constitutional amendment approved by the people of Wisconsin at the recent election was one permitting the legislature to provide that in civil cases a valid verdict may be passed on the votes of a specified number of the jury not less than five-sixths thereof.

◆

Passage of legislation imposing a tax of two cents a gallon on gasoline to provide funds for construction and maintenance of roads will be recommended to legislatures of eleven western states according to an agreement reached by the Western Governors' Conference, which met recently in San Francisco.

◆

The Budget and Accounting Law of 1921

Copies of the article by this name from the pen of Dr. F. A. Cleveland, which appeared in the December REVIEW, are now available in pamphlet form. It is a comprehensive survey of the national budget system in operation measured by the principles of political science which underly the budget idea. It will prove very useful for college classes in government.

The price is 15 cents a copy or one dollar a dozen.

◆

Federal Reorganization

Newspaper reports following the election last November stated that the president, under the spur of party chastisement by the voters, would press administrative reorganization as one of the elements in the progressive program which the country evidently wants. To the date of this writing nothing has been done, although the second Monday in December, the day on which the congressional commission was by law instructed to report, has passed.

For further analysis of the present situation see the "Notes and Events" Department.

A New Department

Beginning with this issue the REVIEW will carry a new department edited by William A. Bassett of the National Institute of Public Administration and entitled "Municipal Engineering Administration." Mr. Bassett will discuss briefly each month in non-technical language the chief happenings in such fields as traffic control, streets and public works, zoning, and building supervision, in fact the performance of the whole chain of practical jobs which the city performs with the help of the engineer.

*

Idaho Likes Cabinet Form of Government

The cabinet form of state government has proved a great success in Idaho, D. W. Davis, governor of that state, recently announced on a visit to Portland, Oregon.

"Every public building constructed since we installed the cabinet form of government has been completed ahead of the scheduled date," said Governor Davis. "There has been similar improvement in efficiency in many other lines. We formerly had 40 boards and commissions, and these we have grouped into eight departments, with a responsible man as head of each. This undivided responsibility in each of the departments is what gets the results."

*

A Strange Violation of Health Rules

Our English colleague, *The Municipal Journal*, called attention recently to a practice which, so far as we know, is a stranger to this country. It seems that some butchers, in their anxiety to please their customers who have a penchant for joints that are plump, have a habit of blowing out carcases to secure that degree of plumpness which is admired so much. Some municipal authorities object to this meat inflation, regarding it as a reprehensible practice, but tolerate it when mechanical devices, like tire pumps, are used for the blowing-out process. They do not, however, allow butchers to blow out meat with their mouths.

In any case, however, the practice is objectionable and legislation is being sought from Parliament to end it completely.

*

Is It a Privilege to Live in Your Town?

In nearly every town in the United States there are to be found a good many apparently small neglects which in the aggregate tend to give the town a ragged, unkempt and uninviting appearance, and still other neglects, not seen, which actually contribute to the *danger* of living in the town and to which, year in and year out, certain preventable cases of illness and death may be charged. The true test of any town is whether it is a good place in which to live and bring up children who have a chance to become good citizens. The workers in the mills, the skilled mechanics, the preachers, the teachers, the investors in business enterprises, all who may choose their place of abode, are coming in increasing numbers to shun towns where the living conditions are notoriously bad. A teacher may be offered several positions at the same time. Would you be proud to know that under such circumstances a teacher would refuse to come to your town because of its lack of library facilities and its known neglect of sanitation and health protection? An investor in real property, a merchant who is looking for an opportunity to "locate" in a thriving town, may pass over your town because the schools are poor, the police protection inadequate and the water supply dangerous.

Why not make it a recognized privilege to live in your town?

H. J.

*

The Initiative and Business Management

In order fully to protect the principle of the initiative from attack by the legislature, California and Michigan have provided that no popularly initiated measure can be amended by the legislature unless the measure itself so provides. In California, during the last election, this restriction jumped into prominence in connection with the vote on the water and power act, an initiated measure which did not authorize later amendments by the legislature. This bill, it will be recalled from the account in the last Review, made state credit to the sum of $500,000,000 available for the development of the water power and irrigation facilities of California. An argument against the bill was that it could not be amended, even in the slightest technical detail, except by direct vote of the people. Such a necessity would be a continuing nuisance, it was declared, besides giving rise to possible inconsistencies through occasional amendments as time went on.

Without discussing the intrinsic merit or demerit of the California proposal, which at this distance we shall not presume to judge, the difficulty of amendment is a valid argument against its adoption. Undoubtedly the measure was well drafted, and yet if government is to enter the field of industry on so vast a scale, elasticity in the arrangements for so doing is indispensable. Revision only through the cumbersome instrument of the initiative would weaken the chances for success of any business.

After all, in private business we give our boards of directors sweeping power. Hadn't we better direct some attention to improvement of our legislatures to make them trustworthy if our states are to become vast *entrepreneurs* of industry?

The initiative was not developed as a tool for "fine work." It resembles a meat ax more than a surgeon's needle.

*

How Long Will a Majority Rule

A great deal is heard these days about the probability of a third party, and stranger things have happened. England, the old home of the two-party system to which so much of the success of parliamentary government is attributed, is definitely in the throes of three-party if not four-party government, and in view of what may come to pass in our own country a survey of the recent English election by a student of proportional representation is of interest.

Mr. John H. Humphreys, writing in the *Manchester Guardian*, points out that a minority of the voters have secured a majority in Parliament. While Bonar Law obtained one supporter in Commons for each 18,000 votes, each Labor and National Liberal seat cost 30,000 votes, and each Independent Liberal seat nearly 50,000 votes. The aggregate figures were:

Party	Votes	Contested seats won	Seats in proportion to votes	Votes per seat
Conservative....	5,378,534	297	208	18,110
Lab. and Co-op..	4,232,739	138	163	30,672
Liberal.........	2,609,927	53	101	49,244
"Nat." Liberal..	1,568,015	50	61	31,360
Ind. and others..	343,807	8	13	42,984
Totals......	14,133,185	546	546	—

The present government is undoubtedly weakened by the fact that it polled little more than one third of the votes. But under P. R. no party would have had control of Parliament. Control would have been obtained only through a bloc which would be relatively unstable. The truth seems to be that the time is coming when a "yes" or "no" attitude on a given set of general propositions no longer satisfies the voter. Proportional representation by placing a premium on individual opinion as against well-drilled party organization will, when adopted, assist in party subdivision. Will the stability to which we are accustomed, particularly in the executive department, be threatened? If so, what shall we do about it?

H. W. Dodds.

IN MEMORIAM

During the past year it has been our sad duty to note in the Review the passing of two old friends and officers of the League, Mr. John A. Butler of Milwaukee and Mr. Oliver McClintock of Pittsburgh. The death of a third must now be reported. Just three days before we assembled for our annual meeting Mr. Charles Richardson of Philadelphia passed away. Mr. Richardson was vice-president of the League from its founding in 1894 until failing strength in old age compelled him to retire in 1920.

A MINUTE

The following minute, drafted by Clinton Rogers Woodruff, has been adopted by the Council:

During the year 1922 the National Municipal League has been called upon to mourn the loss of three of its most highly honored and useful members: Mr. Charles Richardson, who was vice-president from 1894 to 1920; John A. Butler, Esq., of Milwaukee, who was long a member of the Council, and Mr. Oliver McClintock of Pittsburgh, who was a member of the Council from 1898 to 1916, and a vice-president from 1916 to his death.

Mr. Richardson was a member of the Committee of the Philadelphia Municipal League which laid the plans for the Philadelphia League for Good City Government in 1894, out of which grew the National Municipal League. He was a member of the Committee of Seven which drew the original constitution and bylaws, and for many years faithfully attended all the meetings both of the League, of the Executive Committee and of the Council, and was at all times a strong friend and a wise adviser of the officers and especially of the secretary, with whom he had offices for many years.

It is difficult to estimate the value of the services of a man like Mr. Richardson, devoted to the public interests and to his public duties; all that we can do is to put on record a minute pointing out the terms of his services and the character of services and our sense of loss.

Mr. Butler was present at the Philadelphia Conference and at most of the succeeding ones until ill health prevented his attendance. He was virile, alert, chivalrous in his advocacy of the highest public interests, and a real coadjutor of the leaders of the movements.

Mr. McClintock was patient, devoted and unremitting in his attendance to his duties. Like Mr. Richardson and Mr. Butler he was faithful in his attendance of meetings and in meeting his obligations.

The National Municipal League places on record its grateful recognition and appreciation of the services of these pioneers of an organization which means so much to the welfare of American citizens, and expresses to the members of their respective families its deepest sympathy coupled with an expression of its high esteem of the men as men and as public-spirited citizens.

THE FIRST YEAR'S SUCCESS OF MANAGERS GOVERNMENT IN SACRAMENTO

BY THE CITY CONTROLLER

The Controller of Sacramento reports to the citizens the first year's experience with city manager government. $112,000 saved in operating costs; $260,000 more from revenue producing departments; new activities all financed from the budget — These are some of the high spots. :: :: :: :: :: :: :: :: :: ::

The operating costs for the city of Sacramento under the manager form for the year ending June 30, 1922, showed a saving of $112,926.88 over the commission form of government for the year previous. Comparative figures are as follows:

Commission form of government, July 1, 1920, to June 30, 1921, salaries, wages, services, expense, materials and supplies....	$907,889.11
Manager form of government, July 1, 1921, to June 30, 1922...	794,962.23
	$112,926.88

$450,000 MORE IN NEW EQUIPMENT

Under the heading of permanent improvements and outlay for new equipment, there was invested under the manager form $452,331.17 more than was invested by the commission from of government for the preceding year. Important among these figures are the following:

New automobiles and police patrol, police department; new automobiles for inspectors, food and market division; new electrical pumps for Pump No. 1 (thus increasing the efficiency and reducing the operating cost of that division 20 per cent); two vacuum street-cleaning machines, $13,000; $30,000 in permanent street improvement work; payment on site and new equipment for the city library; modern sprinkling system for Helvetia Cemetery; new park equipment; improvements at Camp Sacramento such as new buildings, equipment, etc.; water taps, flanges, etc., for the water mains division, $15,000; trucks, bookkeeping machines and equipment for garbage department; equipment for hydroelectric survey.

The above expenditures were made to replace run-down equipment and to improve other equipment that had been allowed to deteriorate in the city's service. The new activities were financed from the budget.

INDIVIDUAL SERVICE DEPARTMENTS MADE SELF-SUPPORTING

Of equal importance to the reduction of the cost of maintaining the government of the city is the increased revenue through revenue-producing departments, which under the commission form of government were not self-supporting. The total revenue under the commission form of government for the year ending June 30, 1921, was $437,928.88, exclusive of taxes. The revenue for the year ending June 30, 1922, under the manager form, was $698,582.85, or an increase of $260,653.97.

It was found that departments that were rendering services were operating at a large deficit. A survey of conditions was made and amended ordinances put through so those departments that rendered an individual service were placed on a self-supporting basis. This affected such departments as the building inspector, water taps, electrical inspection, health inspections, licenses, etc.

During the first year of operation of the manager form, we inaugurated several new departments which have never been a drain upon the taxpayers and are rendering efficient service to the public at this time. Principal among these is the garbage department.

This department was put on a self-supporting basis almost from the beginning, and will pay for all its operating cost and purchase of equipment and show a profit at the end of this year. We have also eliminated the handling of garbage by incineration and inaugurated a new disposal site, and will derive a considerable profit from the feeding of hogs on the garbage.

The St. Francis Hotel, belonging to the city of Sacramento, and formerly operated under private supervision, is now run by the city. This will show a profit to the city of $8,000 this year.

During the last six months of 1921 it was necessary for the controller to operate the city government on 40 per cent of the available budget. This was accomplished without borrowing any money, all bills that belonged to the fiscal year were paid, and in addition took care of some $30,000 of obligations that were incurred by the commission form of government, and brought a surplus into this year of $28,500.

The tax rate for 1922 was reduced by 8 cents on each $100 of assessed valuation, and a further reduction was made in the assessed valuation which represented $3,300,000.

The budget for 1922 was $123,000 less than in 1921, and even with this reduction in the budget we were able to increase salaries in the police and fire departments amounting to some $32,000, carry on street work, and keep burning every night throughout the year the arc lights of the city, which had not been done previously.

We feel that the manager form of government, based on the figures that are available in this office and the comment of those interested, is a distinct success.

We expect at the end of the second year of this form of government that the increased efficiency and the savings to be made over previous forms will be considerably in excess of what the first year's activities showed.

BALTIMORE ADOPTS NEW CONCEPTION OF PUBLIC WELFARE

BY BENJAMIN SCHWARTZ

The report of the municipal welfare commission of Baltimore, recently submitted to the mayor, contains a new conception of public welfare which has gained ascendency in the last decade. It is in line with the city planning movement now engaging the attention of the most progressive cities in the United States. After studying the welfare activities of 14 cities of over 100,000 population and comparing their programs with that of Baltimore, the commission found that municipal endeavors along social welfare lines in Baltimore are without vision and careful forethought. Under the present system of government, no person or bureau is specifically charged with planning for the welfare of its inhabitants. The care, in some degree, of the poor, the helpless, the dependent, and the delinquent, is the limited conception of public welfare as carried out by the supervisors of city charities.

The confused state of affairs in Baltimore is exemplified by the fact that expenditures are made and welfare functions are performed by as many as eleven municipal agencies, consisting of seven boards or commissions and four departments. These do not include the many sub-departments and bureaus under their supervision, nor do they include the state departments and agencies that perform welfare work for the city. The city of Baltimore further discharges its health, charities, recreational and correctional functions through 48 contract institutions and private agencies. It is obvious that under this arrangement, without proper co-ordination, the welfare activities of the city lend themselves neither to progress and growth, nor to the most efficient expenditure of the funds devoted to these purposes.

Started in Kansas City in 1908, the movement for welfare departments in municipalities has constantly grown, with the result that 19 cities in the United States of over 100,000 population have such departments. The tendency in the larger cities is to centralize all health, charities, correctional and recreational activities in one independent department.

A study of fourteen of these cities by the commission shows the wide range of activities included in the conception of public welfare. The city of Cleveland has gone furthest by including the following within the scope of its welfare department: municipal hospital, bureau of vital statistics, laboratories, bureau of sanitation, public nurses, bureau of child hygiene, bureau of communicable diseases, inspection of markets and foods, relief of poor, employment bureau, immigrant aid, workhouse and jail, correctional farms, care of parks and playgrounds and planning of community recreational program. These cities that have adopted modern methods for the welfare of their citizens have raised the department in charge of the work to

Ed. Note. **The Mayor of Baltimore recently appointed a municipal welfare commission to study the consolidation of all welfare and allied activities performed by the city. The author was the secretary of the commission.**

one of dignity, second only to the department of education.

The commission did not see fit to include in one department all the related welfare activities of Baltimore. It was felt that the greatest present need was for improvement and coordination in the charities and recreational phases of the city's work, and that the new department should commence with these. As a matter of fact, the commission, satisfied with the way the health department was functioning, recommended that the care of the indigent sick, fourteen contract hospitals and ten dispensaries should be transferred to the health department under an appropriate bureau. We agree that the care of the sick is not properly a function of the supervisors of charities and that the question of health, not poverty, should determine the jurisdiction. Future developments will dictate whether the health department and the correctional institutions should be incorporated under the general direction of the larger welfare department.

The major recommendations of the commission are three:

1. The creation of a new department of public welfare in charge of a small board of five, one of whom shall be a paid chairman and executive director of the department.

2. The concentration under this department of the powers of the present supervisors of city charities, the free public bath commission and the board for mothers' relief, with certain welfare functions of other city departments.

3. The recommendation of four new activities to be undertaken by the department:

   a. Legal aid to the poor.
   b. Social service for city employees.
   c. Limited regulation and endorsement of private charities.
   d. Research and social surveys.

It is not expected that this whole program can be put into operation at once. The commission has limited its suggestion to those things which seem to be practicable and in accordance with the present scheme of city government. Further progress can be safely left to the future as the new department demonstrates its usefulness.

REGIONAL PLANNING FOR NEW YORK AND ITS ENVIRONS

BY FLAVEL SHURTLEFF

Assistant Secretary, Plan of New York and Its Environs

The formulation of a gigantic regional plan for the New York Metropolitan district is well under way. It should make life worth living in New York. The factors involved are almost infinite. :: ::

THE committee appointed by the Russell Sage Foundation, which in May announced its purpose to start the development of a regional plan of New York and its environs, has made profitable use of the summer months. At the time of the announcement, the committee saw pretty clearly the way ahead for two of its proposed studies, the physical and the legal, but was frankly in doubt about the best way to tackle the difficult task involved in making economic and social studies of the highly complex New York area. It could not write the economic and industrial history of New York, nor could it make an exhaustive survey of the social and living conditions of the whole region, and yet no part of these fields could be neglected which would contribute to the body of material out of which the planner would create a regional plan. Pathfinder surveys were needed which would avoid too great detail and yet give an adequate picture of the whole field. This was the work of the summer. The committee now has in hand preliminary reports on which to base its more detailed studies.

ECONOMIC CONDITIONS

Roswell C. McCrea, professor of economics at Columbia University, and Walter W. Stewart, now director of analysis and research of the Federal Reserve Board, have outlined an economic and industrial inquiry which primarily is an attempt to discover the proper relations of activities to areas so that activities may be rightly located within the region with reference to each other and to national and world economy. The report asks such questions as, What is the work of New York? How much could as well or better be done somewhere else? What are the economic features which influence the growth and character of population? What are the influences which will extend or limit the future population? The influence of building construction on present congestion, of real estate operations, of the growing use of automobiles, are some of the other topics suggested, and they must all be studied and their interrelations traced as far as possible, all to the end that adequate provision may be made for the work to be done, the housing of the workers, and the distribution of their output.

The inquiry under the social and living conditions has been broken up into the units of health, housing, school facilities and recreation. For each of these, a preliminary statement of the problem has been made.

HEALTH

Dr. Haven Emerson, professor of public health administration at Columbia has summarized the ways in which planning will be affected by considerations of health and medical care. He stresses the need of three studies: first, the bacteriological examination of waters used for bathing, both fresh and salt, for in spite of abundant evidence of pollution at certain points no exact information of this sort is available; then a thorough study of air pollution, about which, likewise, nothing is known comprehensively; and a survey of all the facilities for health promotion and the care of the sick in the region outside of New York city. Within the city, data of this sort has been compiled very completely by the Academy of Medicine and chapters of the American Red Cross. The goal to be sought is first to know what is available in the way of hospitalization, nursing service and clinical facilities; to recognize the unfilled needs; to see how all these services can be co-ordinated and finally to determine site requirements.

HOUSING

In a preliminary study of housing the important task is to get a clear picture of what has been happening over a period of years long enough to indicate trends, so that what is likely to happen can be forecast and then to a degree controlled. It has been found by Lawson Purdy, formerly tax commissioner of New York, and Wayne D. Heydecker of the American City Bureau, that in New York the records of the tax and tenement house departments, together with the zoning maps, the maps prepared by the Physical Survey and the atlases used by insurance companies give a reasonably adequate basis for discovering the trends of new construction. Data of this sort, checked by rapid inspection tours, is now compiled, ready for further analysis, in the office of the committee. Similar methods, with such modifications as the smaller town will need, can be used throughout the region.

There remain questions for the future. What sort of houses best fit the residence zones, and how should they be placed on their respective parcels of land? What does the city dweller in a specified income group get for the money he spends in housing? What does a man in the same group get in the suburban town?

SCHOOLS

Similar questions about schools are raised by George D. Strayer, and N. L. Engelhardt of Teachers College, Columbia University, but the answers are more nearly ready, for school construction has been in recent years the subject of intensive study and standardization. In the region of the plan there are no less than 787 separate units for educational administration, however, and the mere financial limitations found in many of them may make standardization difficult.

To house pupils, Dr. Strayer suggests in general terms, larger and better school buildings, on sites ranging from five to twelve acres apiece, with fewer and stronger administrative units. Here again the final recommendations must follow the determination of extent of growth and directions of movement within the region, but there is much to be done at once.

RECREATION

If the plan results in grouping people around their work so that time and nervous energy are not so violently snatched away by the daily journey to and from shop or office, there will be for the first time in the experience of hundreds of thousands of New Yorkers a real opportunity for daily outdoor recreation. In a large sense, therefore, the whole work of the committee looks toward recreation as its ultimate result.

True, parks and playgrounds cannot be located, gymnasiums and community houses cannot be provided for, until the plan is sufficiently advanced to indicate where people are going to live and in what numbers. But a good many questions need clearing up before the interests of recreation can be adequately covered in the plan. They have been formulated by Lee F. Hanmer and C. A. Perry, director and associate director, department of recreation, Russell Sage Foundation.

What, for example, is the effect of allowing children to grow up, no matter how near a public playground, without the special experiences of the one-family back yard? And what proportion of the population, being single or childless, can properly be encouraged to seek apartments and leave back yards for the children?

It is vitally important for a neighborhood to feel that it *is* a neighborhood. Among all the districts of every shape and size created by government and social agencies, what is the unit area in which a community feeling—as expressed in a neighborhood association of some sort—most naturally arises and maintains itself? Once this norm is discovered we shall know better how to locate baby clinics and clubhouses and Boy Scout troops and churches.

Another important study is to determine the adequacy in numbers and size of various types of parks and recreation places in the region and the location of new facilities.

THE PHYSICAL SURVEY

The physical survey in charge of Nelson P. Lewis, former chief engineer of the board of estimate and apportionment, New York city, has completed many items of its inventory of the physical assets and liabilities of the region. Comprehensive plans and drawings have been prepared, many of which are on exhibit at the Russell Sage Foundation building.

THE LEGAL SURVEY

The essence of the city planning problem is how to plan and preserve land and water areas for the best functioning of the region and to determine what areas are needed and best suited for commerce, business, industry, residence and recreation. The solution of these problems requires as complete a knowledge as possible of the uses for which the region is adapted, the trend of industry, residence and other uses, the reasonable need of space for public recreation and health, and the effect of topography in all these considerations. The proper field of the legal survey, therefore, embraces the kind of title that the public or municipalities or individuals have in land, water and land under water, methods of acquiring and transferring these titles so as to bring the greatest measure of utility to the owners with the least expense, the quality of public or private title that will make the land most useful, the method of demarcation of public from private land, the stabilization of this demarcation when not followed up at once by actual public acquirement, and the regulation of private land and the structures thereon for the health, safety and general welfare of the people.

The legal survey has already completed much of this field.

NASHVILLE: A STUDY IN POLITICAL PATHOLOGY

BY ARTHUR B. MAYS

In 1921, Nashville received from the legislature a badly mutilated city manager charter. In the following election, however, a council was elected, pledged to appoint as manager a local leader who had promised to abolish manager government. With the help of this manager, who considers himself to have been elected by the people, representatives to the state legislature have been chosen, pledged to restore the old charter of 1883. :: :: :: :: :: :: :: :: :: ::

The city of Nashville, Tennessee, has had since 1883 three fundamentally different forms of city government, and at a recent election (July, 1922) by a very large majority the city voted to return to the old type of government it had from 1883 to 1913, when the first change was made. A survey of the charter history of the city shows that the popular method of attempting to remedy the grosser defects in the municipal government up to 1913 was to secure charter amendments. But with the general interest over the country in municipal reform and experiment in city administration, the people of Nashville turned to new forms of government for relief from official inefficiency and corruption. As one studies the changes from councilmanic to commission government in 1913; from commission to city manager in 1921; then from city manager to councilmanic in 1922, he very soon becomes curious as to the causes and methods of the changes. An examination of one of these changes will indicate some of the problems involved in reform movements in American cities.

POLITICIANS IN THE SADDLE

In 1921 Nashville elected representatives to the legislature pledged to give the city a new charter which would change the government to the city-manager form; and the reason is not far to seek, for it is quite clear from the daily papers that an impossible situation had developed in the city commission which to the non-political voter meant the need of a speedy change of government. The commission was composed of five members including the mayor, and had split in two warring factions with two commissioners in each faction and the fifth voting first with one faction then with the other. By thus holding the balance of power this one commissioner soon became the absolute ruler of the city and Nashville came to suffer all the usual evils of one-man rule. So long as the possibility of such a condition existed, the main issue in the minds of interested voters was to change the form of government.

It seems quite clear also that Nashville, like most other American cities, has for years been more or less under the dominance of one or two well-organized groups of professional politicians and the people, always vaguely conscious of this condition, have struck blindly at every opportunity to rid themselves of this dominance, and a change of government seems an easy way to accomplish this end. The presence of such influences is clearly indicated by the clean-cut fight over representation which developed during every one of the charter campaigns, namely: the reformers always fought for elections at large while the professional political group invariably fought for ward elections. The former group made its appeal on the basis of efficiency and honesty in government and the avoidance of log-rolling and petty ward-politics, while the latter made its appeals to love of "freedom," "liberty," "democracy," etc. The earmarks of the appeals made by the latter group are unmistakable to the student of politics and their other methods reveal very clearly the difficulties in the way of scientific, efficient government in Nashville.

LEGISLATURE AMENDS CHARTER BILL BEYOND RECOGNITION

After a campaign in which charter change was the issue, the city-manager ticket was elected and apparently the whole matter was settled. When the legislature met and the city-manager charter was presented by the Nashville delegation, one of the leading papers claimed to have discovered that the charter as presented was grossly undemocratic and was a plain effort of the mayor to perpetuate his and his friends' terms of office and to gain complete control of the entire city for an indefinite period of years. It further discovered that the city-manager form of government was a one-man government in which the people had no influence or power whatever and called on all liberty-loving people to come to the rescue of the city. The other leading paper, of course, took the opposite view regarding the charter and the fight was on. First one group of citizens, then another had conferences with the Davidson county delegation, until one senator went over to the opponents of the charter. Then the merry game of amendments and compromises began, and it ended with a charter which resembled the original only in exterior form. It seems that the proponents of the new charter had, in their zeal to get strong men on the first council, made the fatal political mistake of inserting the names of the first council. Also because of a state law in Tennessee which makes it impossible to legislate an official out of office, all the old commissioners had to be provided for in the new government till their existing terms of office expired. Both these phases of the charter gave color to the various charges made by the opposition. The result was a split in the legislative delegation which soon spread to the out-of-town legislators, who always make large use of city charter bills for trading purposes. Unfortunately, too, for the friends of the charter they had overlooked, either purposely or inadvertently, that women could vote in the coming general election by a special act exempting them, that year, from registration which normally should have occurred before the date of their enfranchisement. The charter called for the usual electoral qualification and failed to provide for the special exemption for the women. The politically inclined women met and protested and the opponents of the charter naturally seized on this situation with a loud cry and made much of it.

When the remains of the original charter finally reached the governor, another determined effort to defeat the city-manager form was made. In a single day, by nine o'clock A.M., two committees had called on the governor, one to urge him to sign the bill early before anything else happened to it, and the other to urge him to veto it as it was unconstitutional. The governor doubtless being more interested in breakfast made an appointment to meet both groups with the attorney-general at noon. At this meeting, after much heated discussion, the bill was further changed and sent back to the legislature, after which it was finally signed. It was after this that the real fighting began.

THE CHARTER A TRAVESTY ON C. M. PLAN

It was clearly evident by the time the charter bill was signed that the whole question had become merely a political football to be played with by two of the old political factions of professional politicians. Numerous references, in speeches and editorials, to the leaders of the factions and to their political records indicate the character of the situation, and doubtless explain a noticeable indifference on the part of the men responsible in the first place for the proposal of a city-manager government. The further fact that various amendments to the charter had in the thought of its earlier proponents changed its whole character and made it, in their opinion, a travesty on a city-manager plan, served to cool their interest and left the field wide open to the warring political factions.

A CANDIDATE FOR MANAGER PRINCIPAL FIGURE IN CAMPAIGN

As soon as the charter bill had become a law, one of the important daily papers made the following astonishing proposal:

> The issue has been made. . . . Are the people of Nashville capable of self-government? The citizens who believe in popular government, who are old-fashioned enough to believe that democracy still lives and are unafraid of popular elections should call upon the most available man in Nashville, for it is evident that some Nashville man is to be selected as city manager—*to become a candidate for city manager,* a man who is not dominated or domineering, a man who possesses none of the elements of a tyrant but believes in the privileges of democracy.

It further urged *that candidates for the council be placed in the field who would be pledged to such a candidate for city manager "just as presidential electors are selected for a candidate for president.*" This proposal, of course, indicated a clear-cut disposition by one of the factions wholly to disregard the spirit as well as the letter of the new charter and marked the beginning of a typical American mud-slinging municipal contest. The proponents of the charter were placed at the very great disadvantage of advocating merely a principle of political conduct, namely, to elect councilmen who would be free to choose a proper city manager according to the spirit of the charter. The opponents at once began a campaign for a *person* and insisted on holding the fight mainly on the level of personalities. The inevitable result occurred in that the two factions soon settled down to a campaign of vilification of personalities with only occasionally an effort to discuss the real issue before the voters. All the political claptrap so familiar to observers of American politics was freely indulged in and the usual arguments which are used to get the vote of the "common people" were made much of. One of the papers apparently tried very hard to hold attention to the real issue created by the candidacy of a city manager under a charter designed to put the office wholly out of politics, but was forced into the position of answering charges and making countercharges.

THE "MAYOR-MANAGER" VIRTUALLY ELECTED BY THE PEOPLE

By election day, the real issue was apparently completely submerged and the great majority doubtless felt they were voting for the defence of their civil and political liberties guaranteed by the constitution of the United States. Certainly that was what they were told they were voting on, and they were shown by every possible argument that the only way to preserve their liberties was to vote for councilmen pledged to elect the candidate for city manager. This they did overwhelmingly and the candidate, a man of excellent reputation and well liked generally, was considered elected *by the people* to the office of "mayor-manager," and the liberties of the people were saved.

The new "mayor-manager" pledged himself to act as a trustee of the city government till such time as a new charter could be obtained and to refrain from exercising any of the "autocratic" powers granted by a city-manager charter. The ward election map of the city shows that while the victory of the opponents of the new charter was complete, there were significant ward returns indicating in a general way the character of the fight made by the opponents of the charter, and the economic and social class behind the effort to take the mayor's office as far out of politics as possible. The tenth, or "silk stocking," ward and the eighth, a substantial residential section, were the only wards giving majorities against the candidate for "mayor-manager," while the seventh ward which includes a large negro section and factory section gave a vote of about ten to one for him. The fact that the candidate was a very popular man with no bad political record may explain the close vote in some of the other more substantial districts.

MAYOR-MANAGER LEADS FIGHT TO RESTORE OLD GOVERNMENT

In the campaign recently closed (July, 1922) in which the mayor made a fight for a change back to the old councilmanic government with nearly all of the city officials elected by popular vote, he was overwhelmingly successful. The legislators elected are pledged to secure for Nashville such a charter in the new legislature which convenes in January. The usual popular appeal was made and the opponents of the mayor were forced into an impossible position. The present government is a city-manager government in name but possesses none of the virtues of such a form of government, and the earlier proponents of the city-manager charter saw that the only hope of keeping the city from slipping back to the old system of the 1883 charter was to fight for the next best, namely, the commission form of government. But since these same men, in their efforts to get the present charter adopted in 1921, condemned without measure the commission government then in existence, their pleas this summer had small effect.

It is safe to predict that notwithstanding the fact that Nashville has dropped back to where she stood a generation ago, so far as her form of government is concerned, she will not in reality begin just where she left off when the first fundamental change came in 1913. The new charter will, without doubt, show the influence of the spirit of reform and progress that has characterized the civic leaders of the past decade, and Nashville will the more easily catch step with the forward movement in municipal government another time.

THE CIVIC CENTER[1]

BY ARNOLD BRUNNER

We have numerous possibilities for public places of usefulness and beauty, but we limp behind Europe in developing them. :: ::

The three good men and true who were appointed "Commissioners of Streets and Roads in the City of New York" produced after four years of study the unhappy arrangement we know so well which embodies nearly all the mistakes of judgment possible. The checker-board system of streets, the insufficient number of avenues extending north and south, the absence of diagonal streets are familiar to us all. The one evidence shown by the commissioners that they possessed imagination and a faint appreciation of the future greatness of the city, was the really splendid "parade" indicated on their map. It extended from 23rd to 34th streets and from 3rd to 7th avenues, but by degrees it shrunk until it got to be what is now Madison Square. City Hall Park gave promise of growing into a civic center, but this promise was not fulfilled.

New York has never been able to overcome the disadvantage imposed on it by its wretched plan. We have repeatedly urged some modification which would include an adequate civic center. For years we have schemed, protested and explained, but to-day I am unable to point out the civic center of my native town. The surroundings of our charming little city hall, instead of being developed and controlled, are most distressing and in perpetual danger of becoming worse. We have Fifth Avenue (what is left of it), Broadway, whose admirers at one time strongly objected to my calling it a "convulsion" and not a street, Riverside Drive, Central Park, many splendid buildings and some fine statues, but our civic center is still undiscovered.

OTHER CITIES AS BAD AS NEW YORK

While I may not speak of them as freely as I can of New York, there are other cities in the same plight. You recall them, large prosperous towns with streets deformed by trolleys extending in all directions, starting from nowhere and going nowhere in particular. Cities ruined by villainous "improvements," as they are called, with nothing to distinguish them from each other except the census reports. What we especially miss in them is a civic center, the successor of the old village green, where there was the town pump and where the market wagons collected on market day.

Before printing was invented and before the daily news was left at our doors every morning the market place exercised a great influence on the life of the people. Not only were goods bought and sold there, but the citizens met and interchanged ideas and discussed the affairs of the day.

THE "PUBLIC PLACE" ABROAD

The Agora of the Greeks where public assemblies were held, the forum of the Romans, that historic meeting place and scene of great athletic games, were the real centers of communal intercourse. It is most interesting to trace the development of these open spaces. They kept their place in public life and assumed different forms in different countries throughout the centuries. The central square or *Place* of mediæval and renaissance times was seldom consciously planned and owed its existence and its shape, which was usually irregular, to the position of some public building which dominated it. In the south of Europe it was often a cathedral or church, further north it was generally a town hall or "guildhall," like the beautiful Salle aux Draps at Ypres, so wantonly destroyed in the war.

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[1] A paper read before the American Civic Association.

We find another type of open space formed by cross streams of traffic and instead of marking it only by an "isle of safety," or a policeman on a box as we do, it was deliberately treated so as to perform its function, which was to provide room for the traffic, subdivide and direct it. There are also minor centers in a properly planned self-respecting city, but the civic center as we now understand it is the place where the chief public buildings are grouped and which is tacitly recognized as the real center—the heart of the city. Once founded and accepted it is difficult to displace it. For instance, in Brussels the Grand Place, that delightful square surrounded by quaint guildhalls, has not been abandoned for newer and larger spaces fronting the modern public buildings. When the Belgians wish to celebrate or riot, sing or pray, they congregate in the Grand Place, "that square of golden beauty" as Brand Whitlock describes it.

If a city possesses elaborate buildings, statues and fountains scattered here and there, it is of course richer for these possessions, but only when they are assembled so as to form an harmonious combination does the city, as a city, become more beautiful.

Can you imagine London without Trafalgar Square? Paris without the Place de la Concorde, or Venice without the Piazza di San Marco? Or any of the charming French, Italian or Flemish towns we so much admire without its Place and its encircling buildings? These famous centers in famous cities do not always include the group of official buildings, but they personify the city, represent its intelligence, its soul. We know that they meant this to our enemies, too, for during the war they were the constant target for their bombardment, the favorite mark for their bombs from æroplanes and Zeppelins.

We in America are just beginning to realize the importance of a proper setting for our monumental buildings, their relation to each other and to their neighbors. Imagine how the dignity and majesty of St. Peters would suffer if the great colonnaded forecourt were blotted from the map of Rome. The Arc de Triomphe through which passed our victorious armies, returning from the war, is a part of the design of the Place de l'Etoile, the arch is the center of the Star—the frame and the pictures were one thought. And let us not forget the superb setting of the Capitol at Washington. Imagine how, but for the genius of Major L'Enfant it might have been disfigured by incongruous surroundings—its beauty spoiled by a mean and inadequate setting.

THE UTILITY OF A CIVIC CENTER

To group the principal municipal buildings is manifestly advantageous for the convenience of transacting the city's business. Too often such buildings have been erected on sites determined by chance, the interest of small groups of citizens or mere personal preference or whim. Certain activities are related to each other and are natural neighbors. Even in this painfully practical age of irritants the telephone and the pneumatic tube cannot take the place of personal conference.

The selection of a site for a civic center depends on local conditions and often there is some spot already accepted as the heart of communal life, but if an entirely new location is sought there are many serious considerations to govern our choice,—its proximity to the center of population and to the geographical center of the town; its accessibility by broad streets and direct thoroughfares and by trolley lines; its relation to important business sections, its probable effect on them and their growth and on the growth of the city; the possibility of its affording relief of traffic congestion by distributing it or separating it from existing thoroughfares; the visibility of the site from various points, the nature of the environment, its freedom from smoke and dirt; the advantages offered for successful grouping and composition and the elasticity of the plan for future enlargement; the cost of the site and its effect on values of surrounding property by enhancing and stabilizing them. All things being equal it is naturally advisable to select inexpensive ground, not only on account of the initial economy but in order to secure for the city the advantage resulting from the inevitable rise in values of the neighboring ground.

These are a few of the points to be considered, some practical, some æsthetic. The demands of beauty and utility must yield to each other and combine with each other to obtain the complete harmony which we seek and which is surely attainable.

This is the basis of the art of city making, the civic renaissance that is transforming our country, a protest against the license and disorder that are to be found everywhere. The civic center is an example of wise control. It represents law and order. Here the streets meet and resolve themselves into regular forms; the buildings stop swearing at each other, cease their struggle for prominence and their endeavors to overstep each other, they take their places in the civic ranks like true soldiers obedient to authority.

Unworthy efforts to be conspicuous, petty successes and failures are forgotten, the dignity and majesty of the city are paramount. This is democracy in its best sense. The civic center is the most anti-bolshevik manifestation possible for here civic pride is born.

OPPOSITION OF "SMALL AMERICANS"

The cost of changing a railroad switch, the grade of a street or moving a fence or telegraph pole, the expense of everything and the difficulty of altering anything have so clouded the perceptions of "practical men" that they cannot look forward at all. Their imitation economy has dispelled many visions and schemes for the benefit of mankind, delayed and even nullified the growth of many a city.

I recall that a number of years ago when a few of us were trying to secure a civic center for New York and endeavoring to find a site for the new court house, we urged the committee in charge of this project to acquire the property on the north side of City Hall Park. You know that New York has always intended to build a new court house, and in political circles selecting a site for it has been considered the king of outdoor sports. I was the spokesman of this particular committee and after explaining our ideas, the chairman of the board said to me, "Young man (you may know by this how long ago it was), do you know how much that property is worth?" Of course I did not know and we retired in confusion. Some years after the same scene was repeated, the only difference being that I was a little older and the chairman of the board was replaced by another practical man, who, when he heard our plea for the only logical site for the court house, repeated his predecessor's question, "Do you know what this property is worth?" and then I was able to respond triumphantly, "Yes sir, exactly twice what it was worth when we suggested its purchase before."

THE STATE CAPITAL

Adventurous achievements are to be found everywhere in our young and busy communities. It is impossible to count them, but San Francisco, Chicago, Denver, Portland, Pittsburgh, Harrisburg, New Haven, Philadelphia and Cleveland are among the many that spring to the mind as cities planning great things. Even in the Philippines, Manila and Baguio, the summer capital, have planned themselves in terms of well-ordered beauty.

And now we come to the all-important state capital. The fact that a city has attained to that dignity seems to demand first—and quite rightly—a majestic building for executive and legislative purposes, then acres of ground—a great park approached by wide avenues. Unfortunately, however, this is too often not the case.

We have the Boston State House dominating the town from its proud eminence, the famous gilded dome visible far out at sea; and that other gilded dome in Hartford in its charming environment. We recall the Albany capitol on the crest of the hill at the head of State Street proudly overlooking the Hudson River and the graceful classic building in Providence also on rising ground, the magnificent capitol of St. Paul, the Des Moines public buildings in their 75 acres of park land, and the symmetrical official group in far-away Olympia in Washington state. These and many others give us varying degrees of pleasure and satisfaction.

But where is the park around the Boston State House? And why is the view from the river of the Albany capitol obscured by an intrusive commercial building? And what is Providence doing about the railroads now too much in evidence? And when will the approaches to the St. Paul capitol be completed? Evidently there are no rules to the game.

In closing I cannot refrain from again referring to Major L'Enfant, whose brilliant plan for the Capital city you all know. When the population of the entire nation was less than four million he saw in his mind a city to hold 800,000 people with splendid streets, broad avenues, parks, statues, pleasing vistas and great groups of government buildings to come. His plan is accepted as a masterpiece and the commission of 1901, while enlarging and elaborating it, vindicated it and used it as a basis for their report. Here was a man with prophetic forethought, a giant imagination, a dreamer with a firm faith in the future, and withal practical.

While no city in the United States has the possibilities of the national capital its inspiration has affected a hundred cities of lesser magnitude and importance in voicing the demand for civic centers.

THE ORGANIZED ATTACK ON THE DAYTON CHARTER

BY WALTER J. MILLARD

Although the Dayton Charter was sustained at the last election by a vote of 25,000 to 16,000, dissatisfaction continues in some quarters. But why should a city with almost the smallest tax vote in the state, a city famous for excellent administration, be so divided as to the merits of its form of government? What created and sustains the opposition?

THE Dayton Charter has again been under fire, and the attack came from the same source as before, the Taxpayer's Protective League. The previous petition, circulated less than a year ago, did not get upon the ballot because of its legal irregularities. This second petition, though it presented a very incoherent scheme of city government, came to vote on November 7. A Charter Defense League was formed which successfully defended city manager government and the present form was sustained by a vote of 25,000 to 16,000. But how can we explain such persistent and organized opposition to a system which placed Dayton in the front rank of well-governed cities?

The Taxpayer's Protective League is led by one W. A. Silvey, who owns some property that comes within the area that suffered from the disastrous flood of 1913. To guard against a repetition of it, an act was passed by the Ohio legislature setting up the Miami conservancy district which has undertaken immense engineering works now almost completed.

It is impossible not to feel some sympathy for many small property owners who not only had suffered from the flood but had also to shoulder the conservancy tax. Opposition to the conservancy naturally developed out of such a situation, and Silvey led the opposition. He instituted about forty law suits all of which have failed.

A recent spell of rainy weather and the functioning of the impounding dams did much to bring confidence in the engineering work, though charges of waste and profiteering still pass from mouth to mouth.

The Dayton commission drew against itself this body of protest because it voted to have Dayton included in the conservancy district. The conservancy tax thereby incurred, though it is collected by the county treasurer, is paid over by him to the city treaurer; he in turn gives it to the conservancy without subtracting a penny for the benefit of the city government. There are many citizens who do not thoroughly understand this and regard the conservancy tax as part of the cost of city government.

Three other main sources of discontent become evident upon investigation. They are the rumors concerning the size of the city debt, the size of the tax rate, and the condition of the streets.

DEBT AND TAXES

With regard to the first there is evidently a great deal of misunderstanding. Regular bonds, conservancy district bonds, waterworks bonds, bonds for street paving, most of which will be paid by special assessment, bonds in the hands of the trustees of the sinking funds, all these are lumped in the minds of many citizens into totals running from eighteen to thirty millions. The finance director reports, however, that the actual net municipal indebtedness as of October 15, 1922, to be met by general taxation is $7,183,800. Why does this confusion exist? That point will be dealt with later.

The misunderstanding concerning the taxation situation is just as prevalent. The tax rate of Dayton is in appearance the highest of any city of Ohio, $29.60 per $1,000. L. R. Sessions of the National Institute of Public Administration, temporarily in Dayton, has made an analysis that shows that the real expense for city government is not more than $7.65 per capita. This is the lowest per capita cost for any city of Ohio except Lima, where it is $5.60; that city, however, charges each family fifty-three cents per year for the collection of rubbish which Dayton collects free. The average Daytonian apparently has not learned to judge by the per capita basis, nor does he even know that the rate of $29.60 is a total, including state, county, school, and conservancy rates, as well as the city rate of $9.13. Much less does it seem to be comprehended generally that the rate is based upon an extremely unjust and unreal appraisal. In spite of the mandate of the law the county commissioners have not ordered a re-appraisement for twelve years. In that time Dayton has had a flood which has disturbed the relative values within the city and county, and the world war has disturbed all values. In January an editorial in one of the newspapers blamed the city government for the high rate without the writer apparently being aware of any of the facts here presented. Why does this ignorance exist even in editorial offices? That, too, will be dealt with later.

THE CONDITION OF THE STREETS

Many of the streets of Dayton are in bad repair, and the city manager and the commission admit it. But the combination of the unjust appraisal and the Smith one-per-cent law, known throughout the state of Ohio as "the farmer's sacred cow," have prevented the city from getting sufficient revenue for all purposes and some services have had to suffer. Under a special law a bond issue was ordered, to cover the cost of needed paving. The courts held the total issue invalid but validated the bonds, amounting to $600,000, which had been issued. Since then the commission has been trying to use the money, only to be met by such a large number of petitions and petitioners whose property would have to bear part of the cost, that it has not had much chance to better the streets as a whole.

The discontented also charge that Dayton View, a suburb inhabited by the *bourgeosie*, has been favored in the matter of paving, but taxi drivers who were interviewed said that, putting aside two main arteries, the general condition of Dayton View was worse than the rest of the city. But nobody had any exact knowledge. Why are not the main facts behind the paving situation, which an outside investigator could find in half an hour, the property of most of Dayton's citizens? That point will be discussed together with the other two deferred.

As well as these three present foci of disaffection, there are also several other ghosts of past happenings that would take up too much time to lay here. Also space cannot be used to explain the amendment proposed by Mr. Silvey and his friends and to weigh its probable effect if it had carried.

DOES THE GOVERNMENT MEET HUMAN NEEDS

The opinion of all the persons interviewed in a three days' stay was that the amount of discontent was so great that if a properly integrated amendment had been presented calling for a return to federal form, its chance of adoption would be very strong. This can only be because either the form or the personnel of the Dayton government has failed to meet some human needs. What these needs are becomes apparent almost at once; they are the need of personal contact with the city government, the need for authoritative information, and the need for leadership. They will be dealt with in order.

Every person interviewed by the writer in his visits to Dayton in the last two years has pointed out the lack of personal contact of the city hall with the people. Everyone who favors the manager plan admits that a commission of five, three elected one year for a four-year term and two elected two years after, cannot be representative enough to know what the people want. A non-partizan elimination primary is held and if two or three candidates, as the case may be, do not receive a majority, a second election is held, at which twice the number of candidates run who can be elected. As a result, no local interest however real, nor any minority opinion, can be represented on the commission. The Socialist candidates have been highest at the elimination primary on almost every occasion and generally come within 5 per cent of the total vote cast at the final election. No community can have a very healthy civic spirit when 45 per cent of its citizens having keenly felt interests are without representation. That part of the Silvey proposal that provided for a ward council of twelve made a very strong appeal to the twenty local improvement associations, each of which hankers for a member of the commission "who lives in our end of town."

P. R. WOULD RESTORE PERSONAL CONTACT

The feeling of practically all those who wish to preserve the manager plan is that proportional representation and an increase in the size of the commission would meet this need. The movement for such a change was in a sense officially launched in an address two years ago by Henry Waite, made when revisiting the city, though no definite steps were taken at that time to apply it. A meeting of civic leaders recently called to safeguard the charter decided that in event the Silvey amendment is defeated, plans would be laid that will shortly place such a P. R. amendment before the voters.

NO WHOLESOME FOOD FOR PUBLIC OPINION

The present lack of proper representation partly is responsible for the second outstanding need of the citizens of Dayton. It is quite evident to any observer that there is quite a little interest in the city's affairs, but this interest is practically forced to feed on rumor or gossip. It cannot be appeased by frequent contacts with commissioners and there does not exist any adequate means of getting information and explanation about the city government. Lacking proper means of satisfying curiosity, many humble and well-meaning citizens have taken "silk-stocking," "chamber of commerce," "hell-fire work," and a few other "stereotypes," and built out of them very fantastic "pictures in their heads."

The terms of Walter Lippmann's book, *Public Opinion*, are here used, for the entire situation is a perfect proof of his argument that public opinions must be organized for the newspapers and that we cannot rely upon the newspapers to discover the facts upon which public opinions should be formed.

Dayton has three daily papers that are frankly interested in national political parties. When the federal plan was in use and a Democrat was mayor, then the Republican paper headlined every act that would make political capital, and the same was true, of course, when the shoe was on the other foot. But the actions of the commission cannot be so used. The interest of the editors is not now so strongly focused on the city hall except just previous to elections, when a spasm of civic virtue leads them to vehemently demand that the voters "save the city from the socialists." If all reports are true, the young fellows who "cover" the city hall seem to be grateful for what material is actually handed to them in the form of a "story," but it is nobody's particular job to be publicity agent and dig up stories for the reporters.

The charter provides for a municipal journal but the cost has always prevented the provision from being carried out. An attempt was made by the commission this year to fulfill it by running the municipal journal as a paid advertisement in the dailies, but no bids were received!

PROPOSALS TO RESTORE CONTACT

The need for making contact and spreading information has led to two proposals by former members of the commission. One proposal is that the city be divided into districts so that even though election is at large, a certain commissioner may be asked to familiarize himself with the paving, sewerage, lighting, and other needs of a particular part of the city; this idea is actually embodied in the election method of Grand Rapids, Michigan. The other is more ingenious, it is that each commissioner take his turn at giving an entire month's full time to the city work, not only by daily attendance at the city hall, but by visiting the improvement societies and all similar bodies with civic interest that meet during his term. Unfortunately no means can be found under the charter to provide for the necessary recompense. The provision of the Cleveland amendment that allows extra compensation for the mayor will make the core of this suggestion possible there.

Obviously it would be unwise to have the task of providing the material for public opinion left entirely to city employees or to men who may seek reelection. Some outside source of information should exist in Dayton. At the present time only two exist, both inadequate. Once every month or so the League of Women Voters has been printing a leaflet with pictures and diagrams of such things as the tax rate, that are understandable by the masses. Its size and circulation alone, however, prevent it from reaching many and the resources of that organization prevent it from doing much research work. There is also the *Labor Review*, which by front page boxed statistics and short articles is spreading accurate information. The *Labor Review* is the official organ of the labor unions of Dayton. After nine years' experience organized labor evidently concludes that the manager plan is fundamentally sound.

LEADERSHIP NEEDED

Behind these two more or less obvious sources of irritation, there is another more elusive one which explains not so much the appearance of Silvey's amendment as the apathetic attitude on the part of many who really favor the manager plan. Persons interviewed who are trained in getting the feel of the public mind said that there is lack of vision and leadership both in the government and in the group that have sponsored it. In its inception, the figure of John H. Patterson stood out and, though his interest continued until the last, his business and his age prevented a day by day identification with civic policy. Henry Waite was not only an executive but a leader who found it necessary sometimes to lead the commission and after he had obtained their halting consent to measures he often had the task of leading the people. Most people instinctively like being led and unconsciously Daytonians thereafter have turned to the manager's office rather than to the commissioners for leadership. But the successors of Waite have been more solely engineers than of that mixture of capacities that Waite accustomed Dayton to. Though sterling worth has continued to be exhibited in the manager's office after Waite left, the public has seemingly craved for something else. After a time they turned more to the commission. The commission, however, has been made up of men who, while undoubtedly above the average capacity, have not fired the imagination. The Socialist ticket has possibly attracted many voters because one of the leaders of that party has that elusive thing—personality.

It can hardly be charged that failure to attract leadership is due to the manager plan though the fault may be partly due to the method by which the commission has been elected. The old form of government did not attract leadership either. The capacity for leadership undoubtedly exists in Dayton but it is being directed toward the unique set of industries upon which Dayton thrives. It would be unfair to say that the men of parts in the city are absorbed in making money,—the sense of mastery that comes from solving mechanical problems is probably more keenly sought than any other—the Engineers' Club is now the centre of the masculine brains of the city.

It is a pleasure to record that some of these engineers are taking steps to re-establish the Bureau of Municipal Research. This may lead to a greater interest in civic and political questions in Dayton on the part of those to whom the solving of the problem of automobile lubrication is now the only thing to be considered. But mere digging for facts will not meet Dayton's problem. Some of the men who find the facts must learn how to interpret them to those who do not have the chance to get them at first hand, and in so doing the leaders needed will arise.

In conclusion, then, it appears to this investigator that the three concrete charges against the present administration, the tax rate, the debt, and the paving, arise from three unfilled psychological needs of the citizens, a sense of personal contact, a desire for information, and a desire to be intelligently and dramatically led. The need for personal contact and some of the desire for information can be met by reforming the election system. The desire for information can be met by making somebody responsible in the city hall for publicity and by the organization of a popularly supported Bureau of Municipal Research that shall not only gather facts but present them popularly to newspapers and other publicity avenues. When these needs are filled, they, together with the present crisis, may conspire to produce the men, or it may be women, who shall fire the imagination and lead the mass.

A NATIONAL FOREST FOR THE NATIONAL CAPITAL

BY WM. M. ELLICOTT
President, City Wide Congress, Baltimore

A national forest of 110,000 acres adjacent to Washington is practicable. The land is available. More than half of it is now wooded. ::

THE subject of parks and playgrounds for Washington is, perhaps, as old as the original plan of the city made by Major l'Enfant in the latter part of the eighteenth century, but to the writer it comes as a reflection of a project which he suggested in the year 1910. This project had its birth in a speculative study of Washington in relation to the physical conditions of a very considerable area lying to the north and northeast of the city which attracted his attention because of the great stretches of forest which, even now, largely cover it, the sparse population which inhabits it and its close proximity and relation to one of the great civilized capitals of the world.

It was with this as a thesis that he wrote a paper on "Forests as Pleasure Parks," which was published in *Art and Progress*.

The writer drew on his imagination and what knowledge he had of historic forests and parks in the old world and endeavored to picture a living and beautiful forest and park covering the watersheds of the Anacostia and Patuxent rivers and stretching away to the estuaries of the Severn and South rivers as far as Annapolis in one direction and Laurel and the Great Falls of the Potomac in the other. Roads, vistas and grassy avenues were to be opened, refuges were to be built and even a place was to be found for a Greek theater where, annually, representations of Sophocles and Euripides might lead to the creation of an American drama such as has not yet appeared.

While he was accused of megalomania by some and called a "pipe dreamer," there were many who took the matter more seriously. The New York *Evening Post* said

> Probably the first impulse of nine persons out of ten, on reading the proposal that the government shall create a national forest of 100,000 acres immediately adjacent to Washington city, will be to say that it is nonsense. But it is anything but nonsense. . . . That there is a considerable forest area in a primitive state in the region bordering on Washington must strike everyone at all acquainted with that section. . . . If the tract is all Mr. Ellicott thinks it is, there is probably no investment of a few million dollars that would be better worth while. To preserve in perpetuity a genuine national forest of 150 square miles in extent, within a stone's throw of the national capital, would be an invaluable achievement.

The project was endorsed in principle by the American Institute of Architects, the American Civic Association, the American Federation of Arts, the American Game Protective Association, The Federation of Women's Clubs of Maryland, The Southern Maryland Society and the Board of Trade of Washington. President Wilson in an audience given to the Directors of the National Conservation Association made particular and extremely favorable mention of it. Lord Bryce, while ambassador from Great

Britain, spoke of it with the highest approval, as did Col. Henry S. Graves, formerly United States chief forester, Hon. Maurice Francis Egan, Cass Gilbert, formerly president of the American Institute of Architects, the late Senator Francis Newlands and many other cultured and eminent men.

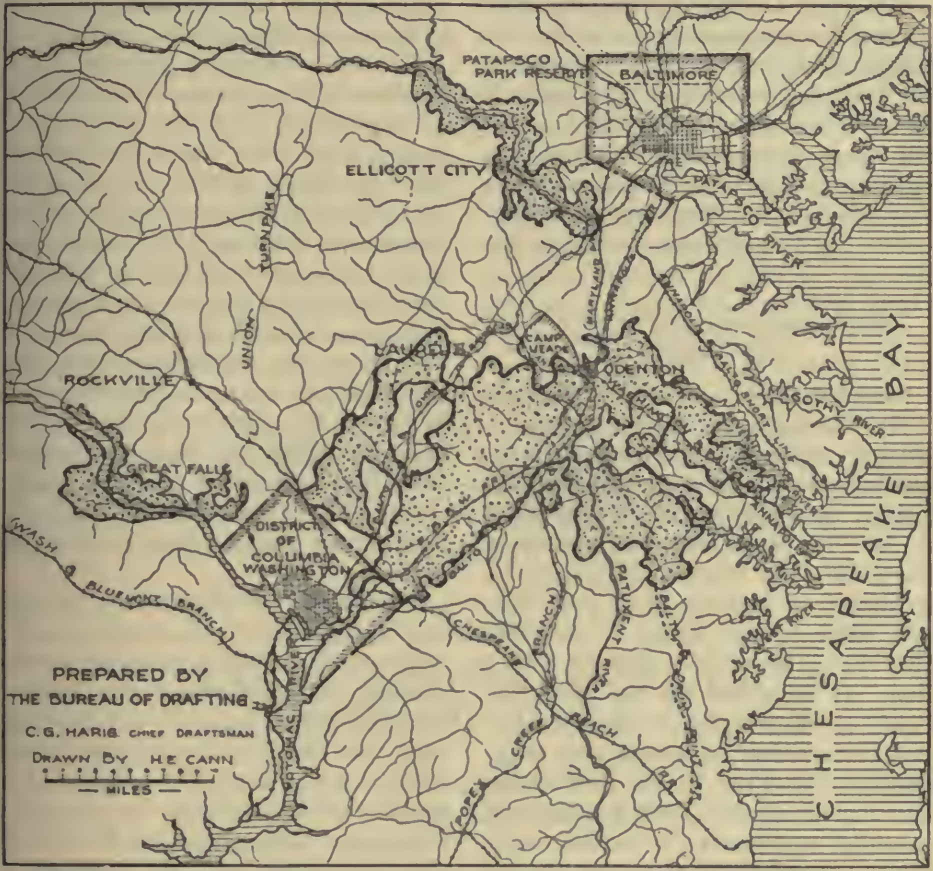
Three years ago Mr. Frederick Law Olmsted, president of the American Society of Landscape Architects, appointed Mr. Stephen Child chairman of a committee to investigate and report on the subject in accordance with instructions of that society. Mr. Child's committee made extensive investigations, receiving assistance from the forest service of Maryland which had completed surveys of all this territory, from the commissioners of the District of Columbia, the agricultural department and the federal forestry bureau. Acting on this report the Society drew a resolution which broadened the scope of study of the problem. The Society urged the appointment of a Federal commission to study all the needs of the Washington region under what they termed regional plan, meaning to plan for the extension of the park system of the capital within and without the District of Columbia, to devise complete road systems, provide for hydroelectric development, local and metropolitan water supply, reclamation and forestation, transportation, sanitation, suburban living conditions, laying out of model villages and improvement of existing ones and bringing all these varied but allied interests into an organic system. It was also recommended that the park system of Baltimore should be co-ordinated with that of Washington.

A NATIONAL FOREST

Respecting the character of the country Mr. F. W. Besley, state forester for Maryland, says concerning the physical conditions of the territory in an article which he and the writer prepared and which was published in *American Forestry* in June, 1911:

> The area proposed for a national forest represents some of the oldest settled lands of the country. Since its occupation 250 years ago many changes have taken place. A considerable portion of the land under cultivation prior to the Civil War has since grown up in forest, not alone because of the scarcity of labor necessary for its continued cultivation, but because much of it was found better suited to the growing of timber than for agricultural crops. These young forests of hardwood and pine coming as a second growth have attained considerable importance, and by proper management they can be moulded into forests of great value. There are still to be found in small tracts some of the virgin forests showing the magnificence of the original growth and further illustrating future forest possibilities. For the botanist and the dendrologist, this is one of the most interesting regions of the eastern United States. Here on the border of two great physiographical divisions, the Coastal Plain and the Piedmont Plateau, the flora of the north mixes with that of the south, and gives a variety of species difficult to find in any other area of equal size. As a natural arboretum, this region is unsurpassed. There are over sixty-five tree species alone, to say nothing of a large number of arborescent shrubs. Most of the valuable commercial species of the entire eastern United States are represented here. The great diversity of soils and forest types offers exceptional advantages as a demonstration field for applied forestry.
>
> The large wooded areas, lying between Washington, Baltimore and Annapolis, afford a rare opportunity for carrying out such a plan. The area shown on the map, lying between Washington and the Patuxent river, to the west of the Baltimore and Ohio Railroad, covers approximately 16,000 acres, of which about 8,300 acres, or 50 per cent, is now wooded. For the purpose of the forest description, any given area is considered wooded where there is a tree growth on the land at least ten feet high and where the trees are close enough together to form a stand. The main body of forest lying east of the Baltimore and Ohio Railroad, including spurs extending along South river and the Severn river, covers approximately 84,000 acres, of which

50,200 acres, or 60 per cent, is wooded. The portion south of the Patuxent river is more largely wooded than the rest, amounting to 70 per cent. The portion to the northeast is 50 per cent wooded. The forests differ in character and composition, dependent upon soil conditions, especially as to moisture content, and also dependent upon the extent of previous cutting. On the few high gravel ridges along the edge of the Piedmont Plateau, the characteristic species are rock, post and black oaks. The higher slopes generally throughout the area are covered with scarlet and Spanish oaks, and chestnut; while on the lower slopes are found hickory, white oak and yellow poplar, walnut and black gum as the predominating trees. Along the streams a great variety of species are found, notably the maple, sycamore, beech, ash, birch, elm, etc. The characteristic trees of the swamps are red gum, willow, pin oak and willow oak.


PATAPSCO PARK RESERVE
BALTIMORE
ELLICOTT CITY
TURNPIKE
UNION
PATAPSCO RIVER
MARYLAND
ANNAPOLIS
LAUREL
CAMP MEADE
ODENTON
ROCKVILLE
MAGOTHY RIVER
SHORT LINE
GREAT FALLS
DISTRICT OF COLUMBIA WASHINGTON
SEVERN RIVER
ANNAPOLIS
(WASH & BLUEMONT BRANCH)
CHESAPEAKE BAY
PATUXENT RIVER
CHESPEAKE
BRANCH
POTOMAC RIVER
POPES CREEK BRANCH
PREPARED BY THE BUREAU OF DRAFTING
C. G. HARIG CHIEF DRAFTSMAN
DRAWN BY H.E CANN
— MILES —

The combined areas available for forest reservation as indicated on the map comprise about 110,000 acres, of which practically 64,500 acres, or 58 per cent, is now wooded. By making the boundaries more irregular, or excluding tracts that are nearly all cleared land, the area might be reduced and the percentage of woodlands correspondingly increased. The presence of cleared lands within the forest boundaries would not be a disadvantage. The best of the farm land could be used as experimental farms in co-operation with the department of agriculture, while those less adapted for agriculture could be planted in forests. It is safe to say that 85,000 acres of the tracts mentioned are typical forest lands already in forest or suitable for reforestation. There are many foreign trees that have not been fully tried in this country under forest conditions. The rate of growth of most of our native species under the most favorable conditions as would result in planting have not been determined. The field for forest experimentation is a large and promising one which would find here the ideal conditions for its fulfillment.

Governor Ritchie of Maryland has already appointed a sanitary commission, of which Mr. T. Howard Duckett is chairman, to study and report upon all territory impinging on the District line, and this commission has advanced its work far toward completion. It has very broad power, even in the control of real estate development and entire jurisdiction over watercourses, the maintenance of stream flow, protection of watersheds and similar matters.

STATE SOVEREIGNTY MUST BE CONSIDERED

Properly jealous of the sovereignty of the state, no sanction for a comprehensive scheme of expropriation for forestry or any other purpose by the Federal government has been, or is likely to be, given by the legislature of Maryland or of Virginia, nor could the authorities co-operate until that difficult subject had found a solution. This baffled those interested for a long time. It remained for the Board of Trade of Washington to do this and their committee on parks and playgrounds, Mr. Fred G. Coldren, chairman, has produced a most detailed and searching report and a bill which meets every objection and covers every phase of a very intricate and delicate subject. It is prepared by men who, passing their lives in the capital, know its potentialities and its needs as no outsider could hope to do. They do not ask anything grandiose or extravagant but confine themselves wholly to those extensions of parks which are a natural development of what now exists. The report points out that, while the District line is necessary as a political boundary, it has no relation to the topographical and physical conditions which affect the city and suburbs and that in studying and developing Washington and its neighborhood, plans must be formulated satisfactory both to the Federal government and to the two states in cases where there is a community of interest and along lines in harmony with nature's setting.

Within the District there will be no question of dual interest but taking as an example, the question of the pollution of Rock creek whose feeders come into the District from Montgomery county, where uncontrolled building operations threaten the maintenance of the stream flow and where pollution affects the lower stream, it is important that some ground of united action be found, and the committee incorporating these provisions in the bill wishes to extend the park system to include these branches and their watersheds and to find a basis of co-operation for all matters which interest both the capital and the dwellers in adjacent territory.

The report recommends a permanent commission to be known as the National Capital Park and Playground Commission, authorized to make a comprehensive study of the development of the park and playground system of the national capital, and to acquire lands necessary for such development, both within the District of Columbia and in adjoining territory of Maryland and Virginia, and to provide for regular annual appropriations to be used by the commission for acquiring such lands. The land so acquired outside the District to be controlled as determined by agreement between the commission and the proper officers of the states of Maryland or Virginia subject to the approval of the president. In the selection of all lands the advice of the Commission of Fine Arts must be had.

The committee advises a regular annual appropriation of not more than one cent for each inhabitant of the continental United States, which would amount to just about a million dollars at the present time. Three fourths of this sum must be spent within the District and one fourth will therefore be available for expenditure in Maryland or Virginia if desired.

It is recommended that land bordering Rock creek be acquired, that a boulevard be constructed to connect the line of Civil War forts, including Fort Stevens, where Lincoln was under fire. The committee also advises the extension of two park boulevards, one along the Rock creek valley to Baltimore and the other along the Eastern Branch or Anacostra, including Mount Hamilton (designated by the Fine Arts Commission as a future arboretum or botanic garden), extending through Camp Mead, a reservation of 9,000 acres, to Baltimore, a road much needed because of heavy traffic and trucking along the present Baltimore highway.

Under certain circumstances, the states might be desirous of participating in the purchase of tracts of land, and undoubtedly there is in the bill sufficient latitude for fair and equitable adjustment of such a matter, a part of the cost price being contributed by the Federal government, but the purchase, perhaps, being made by the state.

The City-Wide Congress of Baltimore has endorsed the report and bill as eminently practical, as setting suitable limitations and as giving to the capital what in all justice it should have—a limited authority in the natural and inevitable extension of the city beyond the borders of the District of Columbia. It is recommended strongly to all citizens of the United States who have a pride in their beautiful capital that they support the bill (S. 4062) through letters to senators and congressmen and through resolutions of civic bodies.

AN ANALYSIS OF CLEVELAND'S NEW CHARTER

BY CHESTER C. MAXEY

Western Reserve University

Cleveland's newly amended charter is nothing less than revolutionary.

I. How the Amendment Was Framed

On the eighth of November, 1921, the voters of Cleveland approved a proposed amendment to the charter of the city providing for the substitution of the manager plan in combination with proportional representation for the existing mayor-and-council form of government. This was such an unprecedented, in fact revolutionary, departure for a large city that it excited universal interest while the equally remarkable way in which it was drafted and adopted has been almost overlooked. Stated briefly, what the amendment did was to repeal sections 3 to 198 inclusive of the existing charter and to substitute therefor one hundred and eighty-one revised sections comprising practically a new instrument of government; and this sweeping constituent change was brought to pass not by the usual solemn process of formulation by a representative charter-making body followed by a vote of the people, but by means of the initiative as provided in the charter itself. Doubtless this is the first instance in our municipal history of the use of the initiative for the framing and adoption of a measure of such fundamental and comprehensive character, and this fact, taken together with the unusual character of the amendment itself, lends extraordinary interest to the manner in which it was drafted.

DR. HATTON GIVEN FREE HAND

The initiative petition, by virtue of which the amendment was placed on the ballot, was sponsored by a committee of citizens known as the Committee of One Hundred. The Committee of One Hundred was representative of various civic organizations and interests favorable to the manager plan, and was descended from a committee appointed some two years earlier by the same organizations and known as the Committee of Fifteen. The officers of the Committee of One Hundred were Peter Witt, chairman, A. R. Hatton, vice-chairman, J. D. Halliday, secretary. Dr. Hatton had been one of the most active members of the Committee of Fifteen and by virtue of his familiarity with the situation and his extensive experience as a draftsman of city charters was the logical person to be selected by the Committee of One Hundred to prepare the proposed amendment. He was given a free hand in the framing of the instrument, and his work was ratified by the Committee of One Hundred without substantial modification. Dr. Hatton was virtually able to rewrite the charter of Cleveland according to his own standards both as to form and content. He did not fail to take advantage of every opportunity to simplify and clarify the language of the original instrument, nor did he hesitate at any emendations which in his judgment would improve the substance of the charter.

II. THE ELECTION, ORGANIZATION AND PROCEDURE OF THE COUNCIL

The one feature of the Cleveland amendment which has commanded universal interest is the provision for the election of the members of the city council by the Hare system of proportional representation. Yet it is doubtful if the real purpose of this innovation is generally understood. Proportional representation was not introduced in the Cleveland amendment as an end to be desired for its own sake merely, but to facilitate the attainment of the paramount object of the amendment, which was to bring about a shift of the political center of gravity from the executive to the legislative branch of the city government. Experience had amply demonstrated that the gravest defect of the prevailing system of government was the inevitable contamination of the executive service of the city by the spoils system and the concomitant evils of personal and partizan politics. This was the chief argument for the manager plan, which is supposed to take the executive service out of politics by providing for the choice and control of the chief executive by a small commission or council itself elected by the people on a nonpartizan basis. But Cleveland is several times larger than any city that has tried the commission-manager plan, and it was feared that no matter how chosen, a commission or council of five, seven, or nine members would be too small to be fairly representative of the huge and diverse population of the city. And yet with a larger council it would be necessary to revert to the ward system with all of its admitted evils or to employ the method of election at large and contend with the ills incident to the long ballot. Experience, furthermore, supplied convincing proof that neither of these systems would be likely to produce a council that could be entrusted with the responsibility of selecting and controlling the manager. Proportional representation appeared to be the solution of the problem. It would obviate both the long ballot and the ward system, and still it would produce a representative body whose members, according to the contentions of the proportionalists, would be of exceptionally high quality.

The amendment provides for a council of twenty-five members. The city is divided into four districts for the purpose of electing members of the council, and the four districts elect seven, five, six, and seven members respectively by the proportional representation method. This allocation of representation is to remain unchanged until the reapportionment following the next decennial Federal census, unless prior to that time the population of the city shall have been augmented four per cent by the annexation of suburbs. The four districts represent a studied attempt to distribute representation on the basis of social and economic rather than geographical and numerical considerations. The districts are not equal in size or population (hence the inequality of representation in the council), but each is in a broad way a homogeneous social and economic entity. Within each district there are, of course, lesser social and economic groupings, and it is believed that where any of these is of consequence it will be accorded representation through the operation of the Hare system of election. The amendment contains elaborate rules governing the form, marking and counting of the ballots.[1]

RESTRAINTS UPON THE COUNCIL

One might suppose that the confidence of the authors of the amendment that the new scheme of representation and election would produce a council of superior quality, would have resulted in the abandonment of petty and vexatious restrictions upon councils that customarily abound in municipal charters; but it is a curious fact that the amended charter contains evidence of a deeper distrust of representative bodies than the original instrument. The old charter, for instance, empowers the council to fix the salaries of its own members with the proviso that changes can apply only to the successor of the council making them; but the amendment fixes $1,800 as the councilmanic salary and deprives the council of authority to modify that figure. Naturally there occurs the query as to whether the framers feared that a council elected by proportional representation would be less trustworthy than the old council, chosen by the ward system. Another case of the same character is the change made in the rule regarding attendance. The provision of the original charter was that unless excused by a two-thirds vote of the council, a member should forfeit two per cent of his annual salary for each absence from a *regular* meeting of the council; but the amendment provides that a member shall forfeit two per cent of his annual salary for each absence from a *regular* or *called* meeting of the council *unless prevented from attending by his own illness.* Does this unreasonable and inflexible rule suggest that the framers of the amendment anticipated that a council chosen by proportional representation would exhibit a higher sense of public duty than councils of the old type? An additional indication of lack of confidence in the results of proportional representation is found in the provision regarding expulsion. Under the old charter a member guilty of misconduct or violation of the rules of the council could be expelled by a two-thirds vote of all of the members elected to the council. The amendment increases the majority required for expulsion to four-fifths of all of the members elected to the council, a majority which could hardly be construed to indicate extensive confidence in the council to be elected by proportional representation. In the same way the majority required to declare an ordinance immediately in effect as an emergency ordinance has been increased from two-thirds in the old charter to four-fifths in the amendment, a change which would certainly seem to be symptomatic of a fear that the council under the new order would be likely to abuse the emergency power.

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[1] "Revised Hare Rules" published by the American Proportional Representation Society in 1917.

WILL THE MAYOR BECOME PREMIER?

The council, as is customary in commission-manager charters, is empowered to choose one of its own members as its president, and this functionary is endowed with the title of mayor and becomes the titular and ceremonial head of the city government. There is a possibility, in fact, that the mayor may develop into something more than the presiding officer of the council and the official head of the government. If the position should be filled by a succession of persons possessing qualities of leadership and statesmanship, it could quite readily evolve into a sort of premiership devoid of administrative responsibilities. The mayor, then, would be the political head of the government and the leader of the council in all matters involving the determination of policies. This would tend to remove the temptation which has victimized so many managers, viz., to overstep the bounds of administration and assume functions of political leadership. In anticipation of such a development the charter amendment provides for paying the mayor a salary commensurate with the importance of his functions.

The council is also authorized to appoint a clerk and such other officers and employees for its own service as it may deem necessary, all such officers and employees to serve during the pleasure of the council. The provisions having to do with the legislative procedure of the council and the form of ordinances and resolutions are carried over from the old charter without substantial modification, except for the insertion of a section providing for the codification of ordinances.

BUDGET MODIFICATIONS

The financial procedure prescribed in the old charter is imported into the amendment with adaptations and emendations designed to improve the operation of the budget system. Except in the case of the earnings of a non-tax-supported public utility the council could under the old charter at any time transfer money from one budget appropriation to another, but the new charter limits this right to unencumbered balances of appropriations. The old charter provided that *unexpended* balances of appropriations should revert to the respective funds from which they were appropriated; the amendment modifies this by prescribing that only *unencumbered* balances shall so revert, a very important change from the standpoint of budget control. Another instance of the attempt to tighten up financial procedure is the insertion of the requirement (Section 69), which did not appear in the former charter, that appropriations accounts shall be kept for each item of appropriation made by the council, every warrant on the treasury to show specifically against which appropriation item it is drawn, and each account to show in detail the appropriation made by the council, the amount drawn thereon, the unpaid obligations charged against the item, and the unencumbered balance remaining.

III. The City Manager and the Administrative Service

The council is obliged to appoint a city manager who shall be the chief executive officer of the city. It is specified that the city manager shall be appointed solely on the basis of his executive and administrative qualifications and need not when appointed be a resident of Cleveland or the state of Ohio. He is to be appointed for an indefinite term, but to be removable at any time at the pleasure of the council. It is provided, however, that if he is removed at any time after he has served six months, he may demand that written charges be filed against him and shall be entitled to a public hearing at a meeting of the council prior to the time when his final removal shall take place. Both the wisdom and efficacy of this provision are open to question. If a council, fearing the publicity involved in written charges and a public hearing, is determined nevertheless to reduce the manager to a position of political subserviency to it, it will find it possible to club the manager into line or remove him during the first six months. Moreover, written charges and a public hearing can be of very little protection to the manager unless they constitute a limitation upon the council's power to remove, which is a result that the amendment disclaims as unintended. A council determined upon the removal of a manager on purely political grounds would have no difficulty in framing charges of such plausibility and conducting the hearing in such a manner that a manager solicitous of his professional reputation would prefer quietly to resign. Furthermore the council controls the compensation of the city manager, and may reduce his salary at will or abolish it entirely without any public explanation. Obviously this furnishes an indirect way of forcing the resignation of the manager without the necessity of written charges and a public hearing.

COUNCIL FORBIDDEN FROM ADMINISTRATIVE MEDDLING

The council is forbidden to appoint one of its own members as city manager, which in the light of experience would seem to be a prudent restriction. It is likewise declared that neither the council nor any of its committees of members shall dictate or attempt to dictate or influence in any way the appointment or removal of persons in the administrative service under the city manager. And it is further declared that with the exception of conducting inquiries, the council shall deal with the administrative service of the city only through the city manager, and that neither the council nor any of its members shall give orders to any subordinate of the city manager either publicly or privately.

The city manager is declared to be the head of the administrative service of the city and is responsible to the council for the administration of all affairs placed under his charge. He is given power to appoint the directors of all departments and all officers and members of commissions not included in the regular departments unless the charter specifically provides otherwise. The injunction is laid down that:

> Appointments made by the city manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees for the work they are to administer.

Manifestly this is mere counsel of perfection and of no legal force whatever. All officers appointed by the manager are immediately responsible to him and may be removed by him at any time; but in case of removal by the city manager, the person removed is entitled to have written charges filed against him by the city manager and to have a public hearing before the city manager before the removal can be made final. From the standpoint of sound administrative organization this restriction upon the manager's removing power seems viciously obstructive; for the persons protected against summary removal by the manager are not the great mass of officials and employees whose tenure will be protected by the civil service provisions of the charter, but the heads of departments and other highly placed officials who will virtually constitute the manager's cabinet and consequently should be removable by him on such a purely capricious ground as personal incompatibility.

The duties of the city manager are broadly outlined in Section 35 as follows:

> To act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the council.

It is provided that the city manager, the directors of departments, and any other officers designated by vote of the council, shall be entitled to seats in the council, but without power to vote. The manager is to have the right to participate in the discussion of all matters coming before the council, but the directors and other officers are confined to matters pertaining to their respective departments and offices. Power to investigate the conduct of any department or office of the city, re-inforced by power to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence, is conferred upon the council, the city manager, or any person or committee authorized by either of them. The purpose of conferring this power upon the council is obvious, but in case of the manager, who has direct administrative authority over the executive service of the city, it would seem superfluous, unless it was intended to give the manager the power to explore the conduct of the offices under the council, such as mayor and clerk, which, if attempted, would lead to highly amusing complications.

BROAD POWER TO DETERMINE ADMINISTRATIVE ORGANIZATION

Three departments—law, finance, and public utilities—are created by the charter amendment, and the council is empowered to establish additional departments and offices at will. The council is also given power to revise and reorganize the administrative machinery of the city as it deems expedient, subject to the limitation that no function assigned by the charter to a particular department or office shall be abolished or assigned to another department or office and that no department shall be created or abolished until the recommendations of the city manager have been heard by the council. The functions of the three departments set up by the charter amendment are laid down with considerable explicitness and detail. The head of each department is appointed by the city manager and given the title of director. The work of each department is distributed among divisions, established by the charter or by the council, and at the head of each division is an officer known as the commissioner, who is appointed by the director acting in conformity with the civil service provisions of the charter. Each commissioner, with the approval and under the supervision of the director, appoints the officers and employees of his division and administers its affairs.

The provisions of the old charter pertaining to the organization and control of the police and fire departments are carried over by the amendment with only such modifications as are necessary to adapt them to the new administrative set-up, the duality of command which has caused so many difficulties under the old charter being explicitly preserved. In rewriting the civil service provisions of the old charter care was taken not only to make the necessary adaptions to the new organization, but also to inject many provisions designed to safeguard and improve the operation of the merit system. A few examples will be given. The past history of civil service in Cleveland readily explains why the mandate was laid upon the council to appropriate each year a sum sufficient to carry out the civil service provisions of the charter, although the legal efficacy of the provision is open to question. The limitation upon transfers to a position subject to competitive tests from one not subject to competitive tests (sec. 96) is manifestly a wise precaution to protect the merit principle. Of the same character is section 98 which requires that the eligible lists and the grades of candidates shall be open to public inspection, and that any person appointed from an eligible list and laid off for lack of work or appropriation shall be placed at the head of such eligible list and be eligible for reappointment for the period of eligibility provided by the rules of the commission. The striking increase of the penalty for violation of the civil service provisions of the charter or the rules of the commission from a fine varying from $10 to $100 or imprisonment for not more than ten days, or both, to a fine varying from $50 to $1,000 or imprisonment not exceeding six months, or both, also indicates a determination to put teeth into the civil service laws. The provision (sec. 100) which directs the civil service commission to fix and enforce standards of efficiency and devise measures for co-ordinating the work of the various departments was doubtless introduced in order to pave the way for scientific personnel management in the city administration.

IV. CONCLUSIONS

Criticism of the details of the amended charter should not be allowed to obscure the fact that it is altogether the most courageous experiment in political reconstruction that is being undertaken in America to-day, and perfection of detail is not indispensable to its ultimate success. In the mind of the average citizen of Cleveland it probably represents simply a step in the direction of greater efficiency and economy, but it is far more than that. It not only marks the definite abandonment of the venerable principle of separation of powers in municipal government and the ordination of an entirely new relation between the legislative and executive organs of government, but it also marks the advent of a new principle of representation which is likely to produce a legislative body of a composition wholly unlike anything previously known to American experience. It is an edifice of new design, erected upon new foundations, and we have yet to see how it will resist the stress and strain of the elements.

MUNICIPAL ENGINEERING ADMINISTRATION

EDITED BY WILLIAM A. BASSETT

Importance of Adequate Control over the Occupancy of Buildings.—The importance of adequate control over the occupational use made of all buildings, together with the need for more drastic restrictions over the use of inflammable materials in manufacturing, and a better correlation of powers and actions of all governmental agencies having any jurisdiction over such matters was demonstrated once more in the conditions attending a recent fire in Manhattan, which resulted in the loss of four lives and the serious injury of a considerable number of persons. The building in which the fire occurred was an old three-story brick structure, a former residence, modified for business purposes about twenty years ago, and which since that time has been used mainly for light manufacturing. The fire originated on the second floor in a celluloid comb factory, when an electric stove set fire to an assortment of combs on a work bench. The suddenness of the blaze and the character of the smoke which resulted caused a panic of the employees in the celluloid factory as well as those employed in a uniform factory on the top floor. The loss of life appears to have been caused by failure to take advantage of the fire escape at the rear of the building and also a short stairway leading to the roof from the hall on the third floor. The dense smoke at both of these points during the brief interval when escape by these methods was possible apparently led the people on the third floor to believe that they were cut off and forced them to the front of the building.

It is not necessary to go into detail as to the events that followed, but it is desired to point out certain significant features with respect to the building itself and the use made of it.

Previous to 1916 there were three independent governmental agencies having jurisdiction over this building. These were the state department of labor, the bureau of buildings of Manhattan and the bureau of fire prevention of the fire department. The state department of labor up to 1916 had exercised the same jurisdiction over that building as over all other factories. During that year the labor law was modified so as to take away from the state department of labor the power over factories within New York city, these powers being mainly transferred to the fire department of the city. The building bureau of Manhattan had jurisdiction over all alterations made to the building including any that might be demanded by the fire department in order to guard against fire risk. The fire department was responsible for exercising control over the use of the building. The records of the building bureau show no violations against the building of any importance since 1911. The report shows that all violations had been complied with and the building had apparently met all requirements of the city code and state code consistent with its use.

The fire department exercises control over the use of buildings by means of periodic inspections. There is no evidence that that department has been lax in this particular case. The use of this building not having been changed since 1916 antedates the time when a certificate of occupancy was required from the bureau of buildings, and hence it has been practically impossible for that bureau to have any knowledge of its use except through report by the fire department. The main weakness apparently lies in the fact that there is no suitable provision in any code, or other regulation, over the use of celluloid except when in a raw state.

The use of this highly inflammable material should be permitted in buildings having means of egress on all sides and then only under such conditions as would preclude the chance of sudden and disastrous spread of flames such as occurred in this particular case. It is interesting to note that recommendations designed to safeguard against such an occurrence in factory buildings were made to the state department of labor in 1918, but appropriate action to accomplish this has not up to the present time been taken by that department. There is a timely warning in the tragedy that took place in Manhattan for every community in the United States which is not protected by suitable legislation and enforcement machinery against the hazard of such a disaster.

Sewage Disposal at Lima, Ohio.—The experience of Lima, Ohio, in the matter of securing a sewage disposal plant sounds a note of warning to other communities which may be contemplating the installation of such facilities to meet their own needs. Lima is a manufacturing city with a population of about 45,000. It is located on the Ottawa river, a stream which has a substantial flow during certain months of the year but which becomes almost nominal during the summer months. The practice which was followed of discharging a considerable volume of the sewage of the city into this stream produced conditions, which, on complaint of certain riparian owners below the city, caused the state department of health under the terms of the Bense Act to order the city to purify its sewage. This was in 1915, but owing to the war definite action in the matter was deferred until 1919, at which time the engineering firm of Fuller and McClintock were engaged to design a system of intercepting sewers and treatment works. They recommended the adoption of a system including the use of fine screens followed by trickling filters and final settling tanks equipped with Dorr thickeners. One of the reasons for the selection of this type of plant was the comparatively low cost of operation. Under the Ohio Law the interest charges on bond issues authorized for the construction of sewage treatment works when ordered by the state department of health to correct a nuisance, are not required to be paid from the general fund raised for taxation, to which there is a maximum limit of 15 mills per dollar of assessed valuation. On the other hand operating expenses for treatment works must be paid out of funds raised by taxation and kept within the ten-mill rate unless there is a special election to authorize a special tax above that limit. In any event the limit of 15 mills cannot be exceeded. This makes it highly desirable if not imperative to keep the operating expenses of sewage disposal plants as low as possible.

Plans and specifications for the fine screens and sprinkling filters were prepared and submitted to the state department of health for approval. This approval was granted subject to the provision that, if necessary, preliminary sedimentation would be provided in the disposal system and bids were advertised to be received on April 1, 1922. About a week prior to that date the Municipal Sewage Disposal Company of Philadelphia, which controls the so-called Landreth direct-oxidation process of sewage disposal, induced the city commission of Lima to postpone the original date of letting the contract for the sewage disposal plant, and take steps for receiving alternate bids for a plant of the Landreth direct-oxidation type. This action has been taken, plans and specifications of the latter type of plant have been prepared and submitted to the state department of health for approval. In the meantime the city has retained another consulting engineer to investigate and report on the general suitability of the direct-oxidation process to meet the local problem, and Lima waits for relief.

It is not proposed to discuss in these pages the relative merits of any methods of sewage disposal. It is, however, desired to call attention to certain of the features of the present situation in Lima. The trickling-filter method of sewage disposal has an established record of adequacy and successful performance extending over the past twenty-five years. The Landreth direct-oxidation process is a patented one, in which an electrolytic feature is introduced into what is essentially a modification of the old excess-lime treatment of sewage. The advantages and disadvantages of the latter process have been the matter of sharp controversy and wide difference of opinion among engineers and others since it was first installed as an experimental plant about eight years ago at Elmhurst, Long Island. It is fair to say that conclusive data as to its superiority over other more established methods of treating sewage are lacking.

Although this eleventh-hour controversy to determine which of two different types of sewage plants shall be selected to serve the needs of Lima has caused considerable delay and additional expense to the community, the seriousness of the situation does not lie in these conditions but in the events which lead up to them. The methods of salesmanship employed, which induced the city commission of Lima to modify its action taken after receiving the report of its consulting engineers, and permit a concern selling a patented process to offer a competing proposition, savors too much of the practices followed in the past by bridge companies in the sale of highway bridges to communities for which the public paid a heavy toll. This magazine holds no brief for the consulting engineering profession nor does it oppose the use of patented devices or processes on public work. However, it is desired to point out the unwisdom of any community's disregarding the advice of suitably qualified individuals on matters of as highly technical a nature as is presented by the problem of sewage disposal. If such a policy is to be pursued the question naturally arises, Why employ such professional experts in the first place? The experience of many communities in such matters has demonstrated that the most competent advice available is the most economical in the end.

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Meeting the Cost of Paving Between the Tracks.—A proposed amendment to the charter of Omaha, requiring all street railway companies to meet the entire cost of paving the space between tracks and for a distance of eighteen inches outside of the rail, was made the subject of a petition submitted to the city council, and was voted down by that body by a vote of 4 to 3. It appears that the defeat of this proposal was due rather to a lack of the required number of qualified signatures to the petition presented than to a consideration of the merits of the proposal.

The matter of what constitutes an equitable distribution of the cost of paving and maintaining the railroad area of cities has long been the subject of controversy between street railway companies and city governments. The practice of requiring the railway companies to meet the entire cost of this work has been largely followed by American cities. Data compiled by the New York State Bureau of Municipal Information showed that out of 166 cities of 30,000 or more population in all but one case the companies were held responsible for pavement within the railroad area, although the extent of this area outside of the tracks varies somewhat in different cities. During the past few years a concerted move has been made by street railway companies to secure a certain amount of relief from the financial burden involved in meeting such requirements.

This move has received rather more than nominal support from public service commissions and other regulatory bodies of that character. At the same time there has been pronounced opposition by engineers and other city officials to any modification of present requirements. The main arguments advanced by the companies and the public service commissions comprise: First, a plea for relief from the financial expenditure involved on account of the difficulties in which many street railway companies have been placed during the past few years; second, that the conditions governing at the time these requirements were first established, mainly when horse cars were in operation, have changed so radically as to alter entirely the situation.

Objections voiced particularly by engineers have been directed towards the increased cost of construction of street pavements in those streets over which street railway companies operate. Also the claim is made that the high cost of maintenance and relatively short life of pavements adjacent to street car tracks result largely from inadequate street railway construction. Neither of the parties concerned give suitable recognition to the element that most directly affects pavement work, namely traffic.

It is well established that the presence of street car tracks within any street materially affects the cost of maintenance as it invariably causes a change in the distribution of traffic, making a concentration at certain points, thus producing ununiform wear. The objections advanced by engineers with regard to unsuitable street railway construction can and should be met by cities requiring construction of recognized standard design. There is little to choose in the use made by traffic, particularly heavily loaded vehicles, between the railroad area and the rest of the street in many of our large cities. Unquestionably, this use, accompanied as it is by the necessity of frequent turnouts either to pass street cars or permit the passing of the latter results in excessive wear of the railroad area and that section of the street pavement adjacent to it. At the same time it is an undisputed fact that extensive use is made of the railway area by all kinds of traffic, this use contributing very largely to the wear and tear of that area. Conditions such as these, over which the street railway company has no control, would appear to make it questionable whether the railway company should be held entirely responsible for all damage done.

The financing of street improvement work involving maintenance or repaving should be in accordance with a sound and equitable policy. Street railway companies should be called upon to pay substantial amounts for the privilege of using the public streets, but charges should be determined not in an arbitrary fashion but after a recognition of all elements entering into each case. There are sound grounds for requiring street railway companies to bear their share of maintaining the pavement within the railway area. There should, however, be equally sound bases for determining what charges should be made. Existing practice does not seem to meet this requirement.

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Sound Principles for Regulating Motor Traffic.—Measures designed to relieve the serious traffic conditions in Manhattan, proposed by Chief Magistrate William McAdoo of New York City, although directed towards effecting a solution of the local problem, are so sound in principle as to demand the serious attention of all persons engaged in studying traffic regulation. Judge McAdoo's recommendations provide for: First, a revision of the licensing system to place the emphasis on saving life instead of producing revenue, this to be accomplished by rigorous preliminary examination of drivers, either by the state or if necessary by the city. Second, the appointment of 1,500 additional traffic policemen to be assigned to unprotected street crossings. This increased force is necessitated, if by no other reason, by the fact that "most of the children killed are at crossings without police protection." Third, placing a limit on the number of taxicabs permitted to operate within the city limits. The latter requirement may be taken care of by the bonding law, which requires all taxicab operators to take out liability insurance, and which has recently been upheld by the Appellate Division. Perhaps the most significant feature in Judge McAdoo's proposals is his enunciation of the principle that the primary purpose of licensing motor vehicles and operators is the protection of life and property, the production of revenue being subordinate to this. Also it should be recognized that the regulation of traffic over the public highways is one phase of highway administration. It is true that the actual enforcement of traffic regulations is a police function and the licensing of operators comes within the purview of the police power of the state. This would seem to demand a close correlation of effort, particularly on the part of the highway and police departments of the state, cities and towns, both in the matter of formulating traffic regulation requirements, and in the subsequent administration of all phases of that work, if the best results are to be obtained. Such an arrangement would seem to justify placing the licensing of motor vehicles and operators either under the control of the state highway department or the various city police departments.

Practical considerations favor including the actual administration of such work among the functions of the state highway department while granting the police departments broad powers in prescribing requirements for the protection of life. The state of Massachusetts furnishes perhaps the best example of a plan of administration which includes the licensing of motor vehicles among the functions delegated to the state highway commission. Other states, notably New Jersey and Maryland, have established separate departments to administer motor vehicle regulation.

In most cases the plan of administration followed recognizes the licensing of motor vehicles and operators as being a regulatory function designed to safeguard the use of the public highways. In New York state during 1921 the highway law was amended by an act transferring jurisdiction over motor vehicle regulation from the secretary of state's office and placing it under the state tax department. Apart from any question as to the quality of service furnished the public in the administration of this work by the tax department it is believed that the present arrangement is entirely illogical and constitutes a possible obstacle to securing the effective control over the use of the public highways of the state which the present situation so seriously demands. There is need for a revision of many provisions in the present New York state highway law. The most serious need for amendment is in those sections relating to the regulation of traffic over the public highways, and the recommendations made by Judge McAdoo with regard to this matter should receive most careful consideration by those engaged in preparing amendments designed to meet the present need.

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Municipal Waste Disposal in New Orleans.—The recent completion and placing in service of a 100-ton capacity garbage incinerator in New Oreans marks an important stage in the carrying out of a plan to provide an up-to-date service for that city in the matter of the collection and disposal of municipal wastes. Under this plan the entire area of the city which lies east of the Mississippi river is divided into five waste collection districts. The population to be served constitutes, on the basis of the 1920 census figures approximately 362,259, or 93.5 per cent of the total. An incinerator will be constructed in each of these districts at which all garbage and refuse collected within the district will be destroyed. The boundaries of the collection districts and the sites selected for the incinerators were determined after a careful study of the distribution of population and the production of garbage zones to ensure a minimum haul of the collected wastes. It is planned that the haul to any one of the incinerators will not exceed two miles. The collection equipment comprises city-owned wagons of a modern type of design with demountable steel containers. The total capacity of the five incinerators planned is approximately 400 tons per day.

When these plants are completed it will be possible to abandon entirely the present methods of disposal by dumping and incineration in the open air. The elimination of the dumps used for these purposes will not alone relieve conditions which in some sections of the city cause serious nuisance but also will aid effectively in reducing a potential health hazard to the community. This is due largely to the large number of rats which infest these dumps and which are recognized as disease carriers. Dr. C. L. Williams of the United States Public Health Service in commenting on the New Orleans situation strongly emphasizes the difficulties encountered in combating the rat evil and the benefits that should result from the new method of waste disposal. The construction of the elaborate drainage system which serves New Orleans was followed immediately by a marked decrease in the death rate.

It will be interesting to learn if the radical changes being made in the disposal of municipal wastes by that city will have any measurable effects on the health of that community.

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Reduction of the Hazard of Night Operation of Automobiles.—With the view of reducing the hazard of night operation of automobiles in Massachusetts, a consistent drive against all violators of the lighting provisions of the motor vehicle law is being conducted by Frank A. Goodwin, register of motor vehicles of that state. Particular attention is to be given to the enforcement of the requirement governing tail lights, which it is claimed is not met at present by more than one automobile owner in a hundred who is operating within the state. The present statute which was enacted as a result of the recommendations of the Conference of Motor Vehicle Administrators, held in Massachusetts during July, 1922, requires that the tail light on all motor vehicles shall be so arranged as to make the number plate plainly visible at a distance of sixty feet. It is a well-established fact that night driving is peculiarly hazardous. Inadequate street lighting and dazzling lights of motor vehicles produce conditions which constitute a real menace on our highways. When accompanied by reckless driving these constitute a combination that almost always results in disaster.

Obviously, the ordinance in question tends to safeguard the public against reckless driving by enabling a ready detection of the offender. As such it should commend itself to all right-thinking people. The wide divergence in present state requirements governing the lighting of motor vehicles constitutes one of the most serious defects in our system of traffic regulation. It is imperative that uniformity in these laws should be brought about. The proposed uniform vehicle law which has been endorsed by the Motor Vehicle Conference Committee has very carefully worked out lighting provisions. Although the latter regulations represent mainly the viewpoint of the manufacturers, they constitute a sound basis for the formulation of a law that will represent adequately all interests concerned. The provision in the Massachusetts law, which has been cited, has merit that should recommend its inclusion in any uniform law for the regulation of motor traffic that may be developed.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Seattle to Cut Car Fare on Municipal Lines.—Reports from Seattle are to the effect that the city council is determined to cut to five cents the present 8⅓-cent fare. The $15,000,000 purchase is now breaking even on the higher fare, but council is convinced that the system must serve more people even at the risk of a deficit. More riders can be secured only by a reduction in fare. Among other plans, the weekly pass idea is being discussed. Another suggestion is a three-cent fare for school children.

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Pennsylvania's Extra-legal Budget.—The Citizens' Committee appointed by Gifford Pinchot to study Pennsylvania state expenditures, Dr. Clyde L. King, chairman, has prepared and distributed budget estimate sheets to the spending departments to be used in preparing estimates for the next biennium. Although Pennsylvania has no budget law, it is Mr. Pinchot's purpose to gather and present to the legislature the estimates in budget form. The Citizens' Committee although an extra-legal body, is receiving the co-operation of the present governor and administrative heads. Thus when Mr. Pinchot enters office in January he will be well advanced in the process of building up an intelligent budget.

✤

Baltimore Gains Increased Representation in Legislature.—Two amendments to the state constitution, giving Baltimore increased representation in the legislature, were adopted at the recent election. One of these amendments allows Baltimore two additional senators, and the other twelve additional members of the house of delegates. Baltimore will now have six senators in the state senate out of twenty-nine and thirty-six members of the house of delegates out of 118.

Every county in the state gave a majority against both of these proposed amendments and only the very large majorities given in the city of Baltimore made it possible for the city to win increased representation, the majority in the city being approximately 65,000. The favorable majority in the state was approximately 26,000.

This is the culmination of an energetic campaign by Baltimore for more equitable representation.

✤

Baltimore's Municipal Stadium.—That a new stadium is not the exclusive privilege of universities is demonstrated by Baltimore's new municipal stadium with a seating capacity of 43,000.

The expense of building the stadium comes from the direct tax on trolley car fares. This tax is 9 per cent on the gross revenue, and with the seven-cent fare amounts to more than $1,000,000 annually. It is classed as a park improvement and is a memorial to Maj. R. M. Venable, for many years president of the park board, and the first to push with vigor the policy of the city to acquire every year tracts of land for park extensions.

The stadium project was launched exactly one year ago when the Johns Hopkins oval proved too small for the crowds that desired to see the annual game between a team of the third army corps and a team representing the marine corps. Mayor Broening announced to the officers responsible for choosing a field for the game that the city would build a stadium and would give the army and marine corps the privilege of playing the first game. This game marked the formal opening of the stadium. The marine corps won by one point.

✤

Increased License Receipts a Source of New Revenue.—Municipal budgets are troublesome these days and hard to balance, and every possible source of additional revenue is eagerly examined. A recent study by the *Toledo City Journal* finds that revision and strict enforcement of the Toledo license ordinance would bring in $50,000 more to help fill the income deficit. 1921 license fees were only $31,743, chiefly from soft drink vendors and bus owners. The following table showing the scale of license fees for several cities is reprinted from the *Journal*.

TABLE OF PRESENT LICENSE FEES FOR EIGHT CITIES

	TOLEDO	SEATTLE	DISTRICT OF COLUMBIA	LOUISVILLE	COLUMBUS	CLEVELAND	INDIANAPOLIS	MILWAUKEE
Taxicabs	$10 yr.				$25 per cab.	$10 per cab.	$5–$8	$10 per cab.
Jitney Bus	$50–$100 yr.		$6–$9 yr.	$50 yr.	½c per mile	$100–$250	$15 yr.	
Theatres	$75–$200 yr.	$125–$200 yr.	$100 yr.	$300–$400 yr.			$100 yr.	
Outside Show	$10–$150 da.	$10–$300 da.	$200 da.	$35–$400 da.	$40–$220 da.		$100 da.	$10–$200 da.
Ball Ground	$100 yr.		$5 da.	$500 yr.				
Auction Goods on Streets	$25 yr.	$200 yr.		$50 yr.		$5 mo.	$50 yr.	$150 yr.
Peddling	$1.50–$35 yr.	$5–$50 yr.	$25 yr.	$5–$20 yr.	$5–$25 yr.	Nominal	$6–$20 yr.	
Temporary Store	$25–$50 mo.	$25 da.			$100 yr.		$25 da.	$5–$25 da.
Bill Posting	$200 yr.	$300 yr.	$20 yr.	$750 yr.				$50 yr.
Secondhand Dealers	$12.50 yr.	$25 yr.	$40 yr.	$25 yr.			$10 yr.	$10 yr.
Junk Dealers	$15–$50 yr.	$75 yr.		$25 yr.			$100 yr.	$10–$25 yr.
Pawnbrokers	$100 yr.	$175 yr.	$500 yr.	$350 yr.	$100 yr.	$5 yr.	$100 yr.	$150 yr.
Soft Drink Parlors	$5 yr.	$25 yr.		$5–$150 yr.		$10 yr.		$10 yr.
Pool Rooms	$5 plus $1 add'l table yr.	$10 yr.	$12 per table	$25 yr.	$10 plus $5 add'l table	$10 1st table 50c ea. table	$10 ea. table yr.	$15 yr.
Dance Halls	$25–$75 yr.		$3 da.	$350 yr.	$15–$50 yr.	$15–$50 yr.	$15–$50 yr.	$5 yr.

Montana Favors City-County Consolidation.—The constitutional amendment permitting the legislature to unite city and county governments under one municipal government was adopted at the last election. No form of government so authorized, however, shall go into effect until approved by the voters of the territory affected.

The city of Butte and the county of Silver Bow will be the first to take steps towards such consolidation. Our charter consultant, Dr. A. R. Hatton, is now in Butte drafting a charter for the proposed new municipality.

The amendment as adopted is as follows:

> Section 7. The Legislative Assembly may, by general or special law, provide any plan, kind, manner or form of municipal government for counties, or counties and cities and towns, or cities and towns, and whenever deemed necessary or advisable, may abolish city or town government and unite, consolidate or merge cities and towns and county under one municipal government, and any limitations in this constitution notwithstanding may designate the name, fix and prescribe the number, designation, terms, qualifications, method of appointment, election or removal of the officers thereof, define their duties and fix penalties for the violation thereof, and fix and define boundaries of the territory so governed, and may provide for the discontinuance of such form of government when deemed advisable; provided, however, that no form of government permitted in this section shall be adopted or discontinued until after it is submitted to the qualified electors in the territory affected and by them approved.

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Baltimore at Last to Have Single-Chamber Council.—Under the home rule amendment, a petition containing over 10,000 signatures was submitted to the mayor, proposing an amendment to the city charter of Baltimore to substitute a one-branch city council in place of the present two-branch council. Baltimore has had a two-branch council since 1797, being one of the first cities of the United States to adopt it and sharing this distinction with Philadelphia, as I believe both cities adopted the bicameral council about the same time. Baltimore has had, therefore, a bicameral Council longer than any other city in the United States. The vote for the proposed amendment was 68,913 and the vote against 33,564.

The present first branch of council consists of 28 members, one elected from each ward. The second branch consists of 11 members, the president of which is elected at large, the other members being elected from councilmanic districts. Under the amendment recently adopted, the council to be elected next May will consist of 19 members, the president of which will be elected at large. The remaining 18 members will be elected by districts, 3 members from each of six districts which are to be established by the supervisors of elections. The compensation of the present members of the council is $1,000 per year, while the compensation to be paid the members under the one-branch council will be $1,500 per year. No change whatever has been made in the qualifications of the members of the council and the one-branch council will exercise all the powers heretofore exercised by both branches of the council, including the power of confirmation of all heads of departments appointed by the mayor. The president of the one-branch council will exercise all the powers now exercised by the president of the second branch, which means that he will be vice-mayor and president of the board of estimates.

Horace E. Flack.

◆

Maryland to Have Fewer Elections, With Longer Terms for Legislators.—Maryland has, for many years, been having annual elections. State elections have occurred in the odd-numbered years, at which time the state and county officials have been elected. In the even-numbered years, the only officials elected have been members of congress, United States Senator and presidential electors. In this way, state and national elections have been entirely separated. On account of increased election expenses and for other reasons, it was felt desirable to reduce the number of elections, so that there would not be an election except every two years. In order to do this, it was necessary to make the terms of all two-year elective officials four years and the amendment was so drawn that the elections for state and county officials will be held in years other than presidential years. At the election in November, 1923, the two-year and four-year elective officials will be elected for a term of three years only and beginning in November, 1926, the election for state and county officials will be held every four years. It is true that under this amendment certain national issues may be injected into state elections, but it was felt desirable to have the election for state officials in those years when there was not a presidential election. Members of the legislature will be elected for terms of four years, though there will still continue to be biennial sessions of the legislature. The next session of our legislature will be held in January, 1924, after which there will be no session until January, 1927, as it was necessary to have a lapse of three years in order to make the transition from the present system of having the legislature meet in even-numbered years to the odd-numbered years.

There was some criticism on the part of those who thought that there should continue to be biennial elections of the members of the legislature, in order to give the people an opportunity to voice their sentiments, as well as from those who thought that there should be continued the present plan of an entire separation of elections for state and national officers. The principal arguments for the amendment were that it would greatly reduce the election expenses and that there was no real reason why the House of Delegates should not be elected for four years, the same as the members of the senate. The vote for the amendment was 108,458 to 72,562 against.

Horace E. Flack.

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Indianapolis Adopts Zoning.—Indianapolis adopted a zoning ordinance November 20 by a unanimous vote of the council. On November 27 the ordinance was approved by the mayor. This is the first zoning ordinance to be adopted by any Indiana city under the authority of the state enabling act adopted in 1921.

The use districts established are: (1) dwelling house; (2) apartment house; (3) business; (4) first industrial and (5) second industrial.

The area requirements are designed to spread out the population, prevent congestion and promote a detached house development; 7,500 square feet of lot area per family is required in a limited section; 4,800 square feet per family in the less developed areas around the borders of the city; and 2,400 square feet or two families to the ordinary 40 by 120-foot lot throughout the rest of the dwelling house areas. In much of the area in which apartment houses are permitted 1,200 square feet per family is required; in limited portions of the apartment house districts only 600 square feet per family is required; and in very limited areas suitable for hotels and elevator apartments, there is no limit as to the number of families that may be housed on a given area. Front, rear and side yards are required in all residence districts.

In the height district allowing maximum

height, the limit is 180 feet, except that for a street 100 feet or more in width, the limit is 200 feet. As practically all of the streets in this district are 90 feet in width, the limit is really based on two times the street width. Washington Street, with a width of 120 feet, is the only street where the 200-foot height will be allowed at the street line. Greater height will be permitted with a setback in the ratio 1 to 3; but this setback must be from all lot lines as well as from street lines. The city plan commission first recommended a height limit of 150 feet but later agreed to the 180-foot limit as a compromise with the down-town property owners who asked for the retention of the then existing limit of 200 feet.

Work on the zone plan was begun by the city plan commission in January of last year. A careful zoning survey was made and many conferences were held before the ordinance was finally submitted to the council. The zoning ordinance had the active support of the Chamber of Commerce, the Real Estate Board, and other civic organizations. Mr. Robert Whitten is consultant and Lawrence V. Sheridan is secretary and engineer of the city plan commission.

⁂

Kansas City Tries for Bi-partisan Water Commission.—For several years, Kansas City has felt the need of extensive additions to its water system. The situation has now become such that there is danger of a serious shortage.

Something over a year ago an engineering firm employed by the water department made an investigation and pointed out the need for immediate large improvements. The nature of these improvements was shown and the cost was estimated at $18,000,000, which was later reduced to $11,000,000 in view of decreasing prices. Conferences were called by the mayor and, as a result, a committee of twenty-five citizens was appointed to work out ways and means. The committee, following a popular demand, recommended that the water department be taken out of the control of the mayor and council and that an independent bi-partisan commission of four members, with complete power to operate the present plant and build the new one, be elected. In order to be sure that the bi-partisan commission would be composed of capable business men, the mayor and council were persuaded to include the names of the proposed commission in the charter amendment.

The amendment was submitted together with a proposition authorizing $11,000,000 of bonds. The amendment carried by a large vote, but the bonds failed to receive the two-thirds majority necessary. This was interpreted to mean that the people were unwilling to vote the bonds until they were sure that the funds would be spent by a bi-partisan commission. The bonds were again submitted at the April election, 1922, and were approved. The newly elected commission took office in April and immediately showed that it intended to operate the water works in a non-partisan manner. A suit was filed in the supreme court of Missouri in the name of a citizen, contesting the validity of the amendment creating the commission. The decision in the case was delayed for several months.

In the meantime the charter commission submitted its new charter with alternative water propositions, one of which would have permitted the return to mayor and council control of the water department. The charter was defeated largely on this issue, though the alternative continuing the present commission carried. On December 6, the supreme court handed down a decision ousting the water commission chiefly on the ground that the submission of the amendment providing for a new commission and including in that amendment the names of the first commission was "doubleness." An application for a re-hearing will probably be filed, but it is very likely that the decision will be upheld. At the present time, the defenders of the commission do not know what will be the next step. There is some talk of preparing a complete new non-partisan charter in an attempt to place the entire city government on a non-partisan basis. If this is done, the ousting of the water commission may not be an unmixed evil.

Walter Matschek.

⁂

Kansas City's Charter Election Explained.—On November 21, the people of Kansas City voted down a proposed charter on which a charter commission had been working for nearly a year. The charter was not a modern charter compared with a city manager-proportional representation charter. It was, however, an improvement over the present charter. It provided for a one-house council instead of the two-house council now in existence. It gave the mayor much greater responsibility and powers than he now has and provided for a more centralized administrative organization. The finance and budget sections were good and perhaps the best part of the proposed charter. It also made provision for the elimination of the present tax bill system of paying for public improvements.

The reasons for the defeat of the charter are the opposition of the political machines of the city and the opposition of many friends of better government who believed that the new charter was not sufficiently progressive, or who believed that the adoption of the charter would endanger the bi-partisan water commission which had been recently provided for. It is probable that had the charter commission not decided to submit in the alternative the management of the water department the charter would have carried. The alternatives gave a choice between the continuance of the new bi-partisan commission independent of the city council and mayor, and another commission appointed by the mayor and with reduced powers. The bi-partisan commission is very popular and many of its advocates voted against the entire charter, rather than to take a chance that the charter would be adopted with the other alternative.

It is interesting that the bi-partisan water alternative secured a favorable majority of over four thousand, while the charter itself lost by over twelve thousand.

Walter Matscheck.

*

The Missouri Constitutional Convention.—The Missouri Constitutional Convention, which met May 15, 1922, to draw up a new state constitution has up to this date (December 4, 1922) adopted the following important changes and additions to the present constitution:

Budget—Creation of an executive budget. The Governor is authorized to prepare and submit the budget to the legislature within fifteen days after it convenes. Estimates submitted by the legislative and judicial departments cannot be changed by the governor in preparing the budget. The legislature may decrease the governor's budget but cannot increase it.

Executive Departments—Provision has been made for the consolidation of all the state activities under not more than twelve departments exclusive of the offices of governor and lieutenant governor. Four of these divisions are named in the constitution—department of state, department of audit and account, department of law, and department of treasury. The heads of these four departments are elective. The legislature is authorized to create not more than eight other divisions, and provide whether the heads of these shall be elective or appointive.

Nominating Machinery—Political parties have been authorized to decide for themselves, through their state executive committees, whether they will nominate their candidates by the direct primary or by the convention. Both systems of nominating candidates are to be regulated by law.

Suffrage—The present constitution permits aliens to vote upon the mere declaration of intention to become a citizen of the United States. The new provision requires full naturalization before being allowed to vote.

Elections—In order to prevent fraud in elections the new constitution authorizes the opening of the ballot boxes and comparison of ballots with the poll lists in the investigation of fraud, and also the ballots may be used before grand juries and courts in the investigation and prosecution of criminal cases. This provision of the constitution applies both to primary and regular elections. This change was made necessary on account of court decisions holding that the opening of ballot boxes and the comparing of the ballots with the poll lists destroyed secret voting since it disclosed how the individual voted.

Initiative and Referendum—The present constitution requires the signatures of 5 per cent of the legal voters, of each of two-thirds of the congressional districts of the state to initiate a law, a constitutional amendment, or to invoke the referendum on a legislative act. The new provision raises the number of signatures to 8, 12, and 10 per cent respectively.

Workmen's Compensation—The legislature has been authorized to enact a workmen's compensation law and provide for state insurance.

Legislature—An increase from five to ten dollars per diem for the members of the legislature has been authorized. In the future legislative expenses in the house and senate are to be limited to $400 and $300 per day respectively for regular sessions and $200 and $100 per day respectively for special sessions. Regular session of the legislature is to be reduced from 70 to 60 days, and the revising session from 120 to 100 days.

Instead of a special election to fill a vacancy which occurs within twenty days of the convening of the legislature or during the session thereof, the governor is empowered to fill such vacancy by appointing a person belonging to the political party with which the person chosen by election was identified, said appointee to hold office till the next regular election.

Other subjects which are likely to be considered by the convention are the reorganization of the judicial system, the revision of the tax and educational systems, and an adjustment of the provisions applying to the large cities, especially those relating to St. Louis.

W. W. Hollingsworth.

✣

What Has Happened to Administrative Reorganization in Washington?—Reorganization of the government departments, it is said, is not dead. It may be recalled that S. J. 191, which passed the house December 14, 1920, and the senate May 10, 1921, and became a law ten days later in the absence of veto by the president, provided for a "survey of the administrative services of the government," for reports and submission of bills from time to time to congress and for final report to congress by the second Monday of December, 1922. It may also be recalled that at the request of the president, Mr. Walter F. Brown was made a member and chairman of the committee to represent the executive branch of the government. Thereupon the six representatives of congress appeared to lose interest in the project. At any rate the congressional members of the committee were apt to find the pressure of other duties so great that they contrived to find little time to devote to reorganization. In the main, therefore, Mr. Brown was left to struggle with cabinet differences as well as he could. By the fourth of July, 1921, Mr. Brown was ready to say what he thought should be done with every single bureau in the federal government. But there were differences in opinion between the heads of departments. Finally after many months Mr. Brown's report went to the president, and there it has remained.

The second Monday of December has arrived. Rumor has it that the president will transmit his recommendations to congress in the very near future.

In the meantime there were introduced into the 67th Congress various measures intended as short-cuts to glory and reorganization. There was the education bill, revised from the 66th Congress, to create a department of education; there were the bills to create departments of aeronautics, conservation, federal highways, health, land and natural resources, mines, public works and public lands and public welfare. None of these bills got very far. Among the controversies which have attracted the greatest public notice are those relating to the forest service, markets, consular agents, the consolidation of the war and navy departments and the creation of a department of public welfare which would eliminate the proposed separate departments of education and of health and which would involve the transfer of certain services from the present department of labor to the new department.

While all of this reorganization discussion has been going on, the secretary of commerce, with characteristic acumen, began the reorganization of the department he had inherited. According to his annual report, just issued, this reorganization has effected a saving of over $3,000,000, or 13.5 per cent of the available appropriations. "The bureau of foreign and domestic commerce, census, fisheries and navigation have been completely reorganized as to personnel, administration, policy and method so as to bring them not only greater efficiency and economy but into line with full co-operative spirit with commerce and industry in actual tangible service." Upon the basis of benefits already secured, the secretary recommends that the various administrations of *industry*, *trade*, and *navigation*, which are now scattered in seven different departments and independent agencies, be concentrated in *some* department, with "direct savings of upward of $1,000,000 per annum," and "many times this amount given to the public in increased values and service."

The secretary of agriculture has also entered upon a program of reorganization from within. With the consent of congress he has consolidated the bureau of markets and the bureau of crop estimates and later the bureau of farm management to form a new bureau of agricultural economics. The administration of the states relation service which was formerly divided into two offices, one for the fifteen southern and one for the thirty-five northern and western states has been centralized in a single office. The secretary of agriculture has succeeded in securing from congress authority for a director of scientific work to co-ordinate all of the research work of the various bureaus, and for a director of regulatory work, such as administration of the pure food and drugs act, meat inspection, packer and stock-yard supervision and eradication of certain pests. The secretary of agriculture now asks congress for authority to place all appropriate services under a co-ordinator for extension service. Since the two co-ordinators already authorized have effected substantial savings in appropriations, congress seems likely to accede to the secretary's request. Under the proposed plans for the reorganization of the department of agriculture the office of home economics would be elevated from a division to a bureau.

In short, at least two secretaries in the president's cabinet (whether stimulated by the Reorganization Committee or not) have made good progress in reorganizing their departments so far as they can do so without actual transfer of bureaus from one department to another.

From all of which it will be seen that reorganization is already well under way. Let us hope that whatever transfers can be authorized by congress without jeopardizing the best interests of the people will be speedily authorized; but let us not fall into the error of believing that reorganization is something that can be accomplished this year or next, once and for all, and then forgotten for a century. Reorganization ought to be in progress whenever improvements can be made.

Harlean James.

II. CITY MANAGER NOTES

Annual Convention of City Managers' Association.—The city managers of the country held their ninth and most successful convention in Kansas City, November 14, 15 and 16. From this central point the good tidings of the progress of the movement went out by every modern medium, including the radio.

*

New Secretary for City Managers' Association.—Beginning with January 1 the headquarters of the City Managers' Association will be at the University of Kansas, Lawrence, Kansas. Mr. John G. Stutz on this date assumed the office of executive secretary, vice Paul B. Wilcox, resigned. The City Managers' Yearbook and the City Managers' Bulletin will hereafter be published from the new address.

*

In Less than Two Years Managers Ballew, of Sturgis, Michigan, and Sprague, of Pipestone, Minnesota, have reduced the city tax rate fifty per cent.

*

While Most Ohio Cities are piling up expenses, Managers Bingham, of Lima, and Cotton, of Ashtabula, are adhering strictly to a "pay-as-you-go" program. East Cleveland has been able to establish a surplus. In Ashtabula, a "P. R." city, the local car system has been purchased by the city and the tax rate has been reduced.

*

The Following Cities are preparing to hold elections on the manager form of government: Wellesley, Massachusetts, Whittier, San Mateo, Berkeley and Venice, California, Redford and Port Huron, Michigan. Salt Lake City and Chapel Hill, North Carolina, are expecting legislative enactments.

*

The Following Cities are evidencing interest in the manager plan: Baker City, Oregon, St. Joseph, Missouri, Sheboygan and Racine, Wisconsin, Hutchinson, Iola, Buffalo and Phillipsburg, Kansas, Des Moines and Marion, Iowa, Dinuba and Culver City, California, Parkersburg and Elkins, West Virginia, Bridgeport and Milford, Connecticut, Groton and Amesbury, Massachusetts, Hightstown, New Jersey, Maywood, Illinois.

*

The Manager of Onaway, Michigan, the city which is practically owned by the American Wood Rim Company, has been asked to resign after a four-months' régime. Lack of finances were given as the reason. Numerous peculiar circumstances enter into the situation, among which is the fact that though Onaway citizens adopted a manager charter more than two years ago, they have had a manager but four months during that time. They advertised in a leading municipal magazine for a manager. His work appears to have been very satisfactory to the people—not to the interests.

*

Nashville Changes Managers.—The instability of the hybrid quasi-mayor-manager charter operation in Nashville, Tennessee, has been recently illustrated by the replacement of F. Z. Wilson by Percy Sharpe for strictly local political reasons.

⁂

The Mortality Rate of city managers is being affected by the rapid changes in Columbus, Georgia. Walter A. Richards was appointed, November 4, the third city manager, in ten months. Manager Crawford resigned to do construction work. H. G. Hinkle was the first manager.

⁂

Long Beach Manager Recall.—Following a very warm campaign, Charles E. Hewes, manager of Long Beach, California, was recalled on November 29 by a majority of about 900 in a total vote of more than 10,000. Long Beach was the third city which Mr. Hewes has served as city manager and his friends supported him ardently as thoroughly competent.

Personalities were freely indulged in during the campaign. The manager was accused, among other things, of forcing the installation of water meters after a seven-to-one referendum against their use, when as a matter of fact only a few test meters were installed in order to establish proper flat rates, and no individual charges were made for these meters.

Another accusation, circulated the night before election, was that a water tap was costing the citizens $20 each whereas under aldermanic government the same tap cost only $5. The fact is that the cost of the tap was $5 as of old, but the city now puts in the service line to the curb for which it charges the property owner about one half of what the plumber formerly charged.

As in the case of the charter recalls noted in the next item, the victor's opposition was better organized than the defense, which seemed to rely on the result of the earlier victory.

⁂

Additions and Subtractions in City Manager Government.—During the month of November eight cities adopted the city manager plan. Two others, Dayton, Ohio, and Alhambra, California, demonstrated at the polls, in an election upon the question of the abolition of the plan, that the majority were satisfied with it.

On the other hand, two cities, Waltham, Massachusetts (population 30,891), and Lawton, Oklahoma (population 8,920), abandoned their charters which provided for manager government. This raises the total of charter manager cities which have abandoned the plan to three, Hot Springs, Arkansas, having been the first. Both Waltham and Lawton revert to the mayor-council plan.

Waltham adopted its charter in 1918. Both political organizations were active in securing its repeal. As is often the case, the tax rate figured largely in the newspapers which played fast and loose with statistics.

General unrest seems to have been the contributing factor in Lawton, as the following excerpt from a responsible source indicates:

> In the last eighteen months Lawton has weathered several "setbacks," in the fact that a year ago last November one of our banks failed, and in December the largest bank in the city closed, and neither of them was opened until in the spring. Since then one of them has closed again. We have had continual trouble up until about a year ago with the electric people, and as the same company owned the gas, as well as a newspaper, an ice plant and a laundry, all in Lawton, we had frequent difficulties with them and finally had to have a receiver appointed for the gas company in order to protect ourselves from their rapacity. Their newspaper was hammering the chamber of commerce, the city, and every individual of influence, that they could not control. Therefore, in addition to the general election this fall, and the people having an idea that they wanted to hit someone or something and hit hard, as was evidenced in the election throughout the entire country, they seemed to take a great delight in hitting the city government.
>
> The opponents to the manager form of government were much better organized than we anticipated, and were working night and day; while those favoring the manager form of government were probably dilatory in starting the campaign, and then did not push the matter in as forcible a manner as they should have. Most of us really did not think it possible for the opposition to overcome the present form of government.

PAUL B. WILCOX.

III. MISCELLANEOUS

Civic Film Service.—A corporation with this name to do what its name implies has been organized with offices at 443 Fourth Avenue. The corporation is an outgrowth of the American City Bureau Film Service. Wayne D. Heydecker is secretary and sales manager.

The first film, on zoning, has been circulated since September. Others on the following subjects are in course of production: zoning, recreation, housing, health, city planning, education, transportation, highways, city charters—the city manager plan, and social welfare. The rental costs have been fixed at a very moderate level.

⁂

The Journal of Social Forces.—A new magazine with this name has begun publication under the University of North Carolina Press. Prof. Howard W. Odum is managing editor. In line with other extension activities of the University the primary objective of the magazine is said to be "to build well for North Carolina and to become a southern medium of study and expression."

It is a bi-monthly and the subscription price is $2.50 per year.

⁂

National Institute of Public Administration Elects Officers.—A meeting of the board of directors and trustees of the National Institute of Public Administration and Bureau of Municipal Research was held on December 7, 1922. Robert S. Brookings, R. Fulton Cutting, Raymond B. Fosdick, Mrs. E. H. Harriman, Vernon Kellogg, Frank O. Lowden, Charles E. Merriam and E. R. A. Seligman were present. Newton D. Baker, A. R. Hatton, Herbert Hoover, Richard S. Childs, and Delos F. Wilcox are also trustees.

The following officers were elected: R. Fulton Cutting, chairman; Raymond B. Fosdick, vice-chairman; Richard S. Childs, treasurer; Luther Gulick, secretary and director.

⁂

Municipal Golf Links.—Of thirty-four park reports examined, seventeen mention municipal golf links—Chicago, Cincinnati, Dayton, Detroit, Hartford, Kansas City, Lincoln, Louisville, Minneapolis, New Orleans, Peoria, Rochester, Rockford (Illinois), San Diego, St. Paul, Washington, D. C., and Worcester (Massachusetts). In many of these cities the links are self-supporting, in some they are an actual source of revenue and in all, apparently, they are much valued by the citizens, judging from the steadily increasing patronage reported. In several of the cities exceedingly well-designed golf houses have been erected. It is no longer necessary to belong to a country club in order to indulge in golf. It is not even necessary to own clubs, employ a caddy or wear a special costume. Anyone who possesses ordinary health and the small change to pay the fee charged may play golf in the public parks which belong to the people.

Harlean James.

⁂

America to Have a Garden Village.—What promises to be one of the most interesting housing developments in the United States, according to *Housing Betterment*, is the new garden village of Mariemont, on the slopes of the Little Miami river, not many miles from Cincinnati, a model town intended to house from 5,000 to 10,000 people and to cost many millions of dollars.

The land, all of which has now been purchased, embraces a tract of about 365 acres, and the general plan provides for a town with a village green and public buildings, stores and amusements, school sites, playgrounds and parks and complete and attractive housing accommodations for wage-earners of different economic grades. The normal lot sizes for the detached houses that are to be built range from 50 to 80 feet in frontage with a depth of 120 feet. The houses will be provided with all modern conveniences, including electricity and steam heat from a central plant, and adequate provision will be made for the proper maintenance of the property as a completed town. Even the lots of the smallest group houses are to meet the standards of such English garden cities as Letchworth, Hampstead and Port Sunlight, the density of all the houses of Mariemont being between six and seven families to the acre.

Nothing quite like it has been undertaken heretofore in the United States. The nearest approach to it has been the development of some of the communities where war-housing schemes were carried out, but those were necessarily fragmentary and of a temporary nature.

This model village is made possible through the munificence of Mrs. Mary M. Emery, who may perhaps best be described as the Mrs. Russell Sage of Cincinnati, and who now completes her many deeds of public benefaction by this well-thought-out, practical and beneficent plan.

Mr. John Nolen has been selected as adviser and is associated with Mr. Charles J. Livingood, manager of the Emery estate, in the development of the plan.

⁂

Civic Secretaries Hold Annual Convention.—The Civic Secretaries held their thirteenth annual meeting in Philadelphia simultaneously with the meeting of the League. Representatives from one, two or three organizations in fourteen cities were present.

The sessions were intensely practical. A program had been sent out in advance and members came prepared to discuss concrete subjects in a business-like manner. The following are specimen topics:

Membership and finances—Do you raise money by campaigns? Do you issue information on candidates—do you engage in political campaigns and how? How do you co-operate with the daily press, with city hall? Committee organization and management; entertainments; should a restaurant be made self-supporting—if so, how?

To the civic secretary these are highly important matters. The profession is still young. The fund of knowledge and experience is increasing by leaps and bounds. No officer of a citizens' organization can afford to miss the convention next year. It is the place to learn. The round-table conferences are worth more than all the books that have been written on organization management.

The following slate presented by the nominating committee was elected for the following year. The report of the committee, prepared in model voters' directory style by Walter F. Arndt of New York, chairman of the committee, is worth reproducing in whole:

For President (Vote for one)

Dykstra, C. A. Age, sufficient. Present job—secretary of the City Club of Los Angeles; formerly engaged in uplifting Cleveland, Chicago and other cities. As he is not present and is therefore unable to decline, his election is emphatically urged.

For Secretary (Vote for one)

Tracy, R. E. Age, inconsequential; able, effective and omnipresent secretary of the City Club of Philadelphia; has fully demonstrated his fitness for promotion by his successful and genial capacity as host; voters are urged to support him.

For Treasurer (Vote for one)

Dermitt, H. Marie. Age, over twenty-one; present secretary Civic Club of Allegheny County; has proved herself by experience, training and equipment to be absolutely indispensable in her present position; deserves credit for her successful handling of the funds of the N. A. C. S. Her reelection is urged on the basis of her splendid record of public service.

On motion from the floor the office of vice-president was created and Mr. Arndt elected to it.

◆

Membership List of National Association of Civic Secretaries.—We have many requests for a list of voters' leagues and civic associations. We believe that many of our readers will welcome the publication of this list. Clip it and place it in your files for future reference. When you want information respecting a particular city the civic secretaries are the people to write.

The following has been corrected to December 1, 1922. Thanks are due Miss H. Marie Dermitt for keeping it corrected to date:

City and Organization	Representative
Baltimore, Md.	
Women's Civic League	Mrs. Allison H. Shaw, 108 W. Mulberry St.
City Club	George A. Mahone, Munsey Bldg.
Boston, Mass.	
Honorary President N. A. C. S.	Addison L. Winship, National Shawmut Bank
City Club	Lloyd B. Hayes, 6 Ashburton Place
Women's City Club	Mildred Fiske, 40 Beacon St.
Good Government League	George H. McCaffery, 11 Pemberton Square
Chicago, Ill.	
City Club	Mayo Fesler, 315 Plymouth Court
Bureau of Public Efficiency	Harris S. Keeler, 315 Plymouth Court
Women's City Club	Helen Montegriffo, Asst. Ward Secretary Mrs. Maud R. Turlay, Asst. Civic Director, 16 North Wabash Ave.

City and Organization	Representative
Cincinnati, Ohio	
City Club	Burnham Finney, 501 Union Central Bldg.
Woman's City Club	Mrs. Ben Lowenstein, Race and Garfield sts.
Cleveland, Ohio	
City Club	Francis T. Hayes, Hollenden Hotel
Civic League	516 Hippodrome Bldg.
Women's City Club	Grace Treat, Civic Secretary
Women's City Club	Mrs. Annie F. Miller, Club Secretary
Columbus, Ohio	
Chief Examiner, State Dept.	J. H. Kaufman, Dept. Aud. of State
Detroit, Mich.	
Citizens' League	W. P. Lovett, 1002 Dime Bank Bldg.
Erie, Pa.	
Republican Citizens' League	Margaret P. Hamilton, 33 Penn Bldg.
Grand Rapids, Mich.	
Citizens' League	Russell F. Griffen, 249 Houseman Bldg.
Harrisburg, Pa.	
Municipal League	J. Horace McFarland
Kansas City, Mo.	
City Club	George H. Forsee, 1021 Grand Ave.
Women's City Club	Mrs. W. J. Doughty, 1111 Grand Ave.
Los Angeles, Calif.	
City Club	C. A. Dykstra, Chas. C. Chapman Bldg.
Louisville, Ky.	
Woman's City Club	Louise C. Morel, 506 West Walnut St.
Milwaukee, Wis.	
City Club	Leo Tiefenthaler, 211 Grand Ave.
City Club	Jessica B. Anderson
Voters' League	George C. Nuesse, 373 Broadway
Niagara Falls, N. Y.	
Chamber of Commerce	James E. Gheen
New York, N. Y.	
American City	H. S. Buttenheim, Tribune Bldg.
City Club	R. V. Ingersoll, 55 West 44th St.
Citizens' Union	Walter F. Arndt, 41 Park Row
Civic Film Service, Inc.	W. D. Hydecker, 443 4th Ave.
Institute for Public Service	William H. Allen, 1125 Amsterdam Ave.
National Civil Service Reform League	H. W. Marsh, 8 West 40th St.
National Municipal League	H. W. Dodds
National Municipal League	A. R. Hatton, 261 Broadway
Short Ballot Organization	Richard S. Childs, 8 West 9th St.
Philadelphia, Pa.	
City Club	Robert E. Tracy, 313 South Broad St.
Civic Club	Claire MacAfee, 1300 Spruce St.
Voters' League	Florence B. Fulton, 105 South 12th St.
Pittsburgh, Pa.	
Civic Club of Allegheny Co.	H. Marie Dermitt, 608 Keenan Bldg.
Voters' League	Tensard De Wolf, Morals Court
Allied Boards of Trade	J. Ralph Park, 6101 Penn Ave.
Portland, Oregon	
City Club	Robert W. Osborne, 1010 N. W. Bank Bldg.

City and Organization	Representative
Philadelphia, Pa.	
Proportional Representation League	Walter J. Millard, 1417 Locust St.
San Francisco, Calif.	
Civic League of Improvement Clubs and Associations	George W. Gerhard, 807 Mills Bldg.
St. Louis, Mo.	
City Club	Gustavus Tuckerman, 911 Locust St.
Toledo, Ohio	
City Club	Wendell F. Johnson, 572 Ontario St.
Commission on Publicity and Efficiency	C. A. Crosser, 412 Valentine Bldg.
Tulsa, Okla.	
City Club	Remington Rodgers
Washington, D. C.	
American Civic Association	Harlean James, 913 Union Trust Bldg.
City Club	F. R. Barkley, 1320 G St.
National Popular Government League	Judson King, Munsey Bldg.
National Voters' League	Lynn Haines, Woodward Bldg.
U. S. Chamber of Commerce, Civic Development Dept.	Dorsey W. Hyde, Jr.

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WAS THE NEBRASKA ADMINISTRATIVE CODE REPUDIATED AT LAST ELECTION?

BY RALPH S. BOOTS
University of Nebraska

Nebraska elected a Republican legislature pledged to support the code; and a Democratic governor who had promised to destroy it, in spite of the fact that increased efficiency secured by the code enabled Governor McKelvie to summon the legislature in January, 1922, to reduce appropriations in order that the savings might at once be reflected in lower taxes. Is the code an issue or a football? :: :: ::

To a friend who wired this inquiry from New York: "Did the industrial court play any part in the recent election results?" William Allen White is reported to have replied: "Industrial court played important part in election. Was vigorously supported in Republican platform and violently denounced in Democratic platform and issue hotly contested in election. People voted for Democratic governor pledged to repeal law and elected Republican legislature pledged to sustain law. Tune in and when you pick up *vox populi vox dei* wire me collect." It was thus with the "code" in Nebraska.

The Republican platform pronounced for the principle of the code "subject to such amendments as four years of experience have demonstrated will make for further efficiency and economy," and the candidate stood squarely on the platform. The Democratic platform read: "Specifically we pledge ourselves to the abolishment of the existing duplicate state government by the repeal of the administrative code law, to the discharge of the great army of useless employees now on the pay roll, and to a regrouping of the various departments in the hands of the elected state officials, thus restoring constitutional government that is responsible to the people and responsive to their will." Mr. Bryan is quoted in the October *Commoner* as follows:

> The code law . . . is a law by which the power vested in the regular state officers elected by you is taken from them and centralized in the governor, giving him more power than a crowned head abroad. He in turn delegates this power out . . . with the result that you find a great army of political employees standing between you and your government. The theory of the code system is that you cannot elect men

competent enough to handle the government affairs so you go out and hire experts at $5,000 a year to handle the affairs for them.

An investigating committee of the Farmers' Union credited the code with enabling the agencies to function in a business-like manner and strongly approved the executive budget, but said of reorganization: "It has removed from the people the right to elect their department heads; it has put a powerfully organized system before every legislature which can assume official dictation and make it hard for the people to be heard."

THE GOVERNOR A DEMOCRAT; OTHER ELECTED OFFICERS REPUBLICAN

Mr. Bryan was overwhelmingly elected. Of the seven other state executive officers the Democrats elected only the secretary of state. The legislature is safely Republican. What is the interpretation thereof?

The Lincoln *Star* says: "A mandate to repeal the code"—one fact made irrevocably plain. The Omaha *World-Herald* hopes Bryan will not mitigate his efforts for a repeal of the code law, since his election made unmistakable the public attitude. The *Nebraska State Journal* (Lincoln, opposing Bryan) treats the situation in a rather humorous vein, concluding that the people wished Mr. Bryan for governor but gave him a Republican legislature so he couldn't run away. The Omaha *Bee* thinks that the "romance that clings to the Bryan name was too much" for the campaign of education which the Republicans planned.

The state constitution expressly permits the legislature to place the constitutional elective officers as heads over such departments of government as it may by law create. The heads of executive departments established by law are to be appointed by the governor with the consent of a majority of the elected house and senate members in joint session. The electors have apparently played a sly joke on Mr. Bryan.

WHAT DOES THE NEW GOVERNOR INTEND TO DO?

Toward the end of December, Mr. Bryan announced that he did not believe it businesslike or fair to the public or the legislature to remove arbitrarily the heads of the code departments and employees, at any rate, "without the legislature having an opportunity to act on legislative plans." He promised to lay before the legislature recommendations in accordance with the people's decision. Three of the six code secretaries seem to have agreed to stay in office for thirty days with the understanding that either secretary or the governor shall give fifteen days notice of a change of mind.

The messages of the retiring and the incoming governor sounded very much like a set debate—one speech on each side and no rebuttal. Mr. McKelvie explained and defended the code in a masterly, almost schoolmasterly, manner, and asserted that, since responsibility for any change would rest primarily with the legislature, a majority of which is pledged to retain the code principle, it is fairer to say that, in consideration of the vote at the last election, the people desire the code retained.

Mr. Bryan, touching the same point, could draw only a diametrically opposite conclusion. "The code system centralizes in the chief executive all responsibility for not only executing the administrative policies of the state but of determining all administrative policies. . . . It is impossible for the chief executive to be constantly available or prepared to confer and decide important policies coming up from the various code department secretaries, who are employees with no direct responsibility to the taxpayers." He then proceeds to recommend an executive council of ex-officio members "to determine the state's administrative policy."

The *State Journal* concludes that "the code question bids fair to be mainly one of whether or not the legislature cares to enact some camouflage whereby to save the governor's face." Nothing is settled yet. The question of patronage may yet constitute a considerable factor in the determination of the outcome.

HIGH TAXES CHARGED TO CODE

The "code" in Nebraska runs through over three hundred pages, providing not only the administrative reorganization but containing also the regulations which the officers are to enforce. Hence a repeal of the "code" would repeal these regulations. As in many other states, the appropriations in 1921 were almost double those of 1917–19, the last Democratic administration. The Democrats in a campaign characterized by glaring inaccuracies, if not misrepresentations, made the chief issue taxation, and laid the blame for increased expenditures on the "code," with good *post hoc* logic. Probably many persons in a state largely rural chafe under recently adopted regulatory measures. The "army of inspectors" is denounced, and the governor's "machine." It does seem that numerous appointees mixed in the campaign. Furthermore a petition for a referendum on the "code" in 1919 was rejected by the secretary of state because a copy of the law was not attached to each petition sheet. The district court sustained this action and the supreme court, admitting the unreasonableness of the secretary's position, declined jurisdiction because the appeal was not taken within the time limit fixed by the referendum law. All this did not popularize the "code."

THE "CODE" HAS BECOME A STEREOTYPE

It seems safe to say that the people are opposed to something they call the "code." This is probably mostly because they are all opposed to high taxes, partly because some of them are opposed, and others think they are, to new governmental activities, and partly because they nearly all believe ardently in popular capacity to elect all officers, and partly because many really disapprove concentration of power and political influence (the merit system would help greatly if the people had not so largely lost confidence in the possibility of fair operation). It cannot be said, however, that the election was an expression of popular judgment on the principle of what we call responsible state government. As one Democratic member of the legislature is reported to have said, "We've got to get a new name for the code."

NATURE GUIDING IN OUR NATIONAL PARKS[1]

BY A. E. DEMARAY

Editor, National Park Service

A new service for visitors to the national parks, increasing the pleasures of the tourist by revealing new mysteries and stimulating old enthusiasms. :: :: :: :: :: :: ::

The astonishing popularity of the free nature guide service, now available during the travel season in several of the larger national parks, and being extended by the National Park Service into other parks as rapidly as funds permit, is testimony of its value in helping visitors better to understand and more thoroughly enjoy the things they see. This service, the outgrowth of studies made in Norway and Switzerland by the World Recreation Survey, was first undertaken in the United States in 1919 at Lake Tahoe by the California state fish and game commission. So attractive did it prove that business men deserted fishing trips for hikes with the nature guides. Stephen T. Mather, director of the National Park Service, happened to be at Lake Tahoe at the time, and, the work of the nature guides coming under his observation, he decided that such service ought to be available to visitors to the national parks. There were no government funds which could be used, but this did not deter the park director. Approaching the fish and game commissioners, he told them he wanted their nature guides in Yosemite National Park the next summer.

"You agree to stand half the expense and I will personally take care of the other half," said Director Mather.

Whether other argument was necessary or not is unimportant, for in 1920 free nature guide service was inaugurated in Yosemite under the joint auspices of the fish and game commission and the National Park Service. That year 27,047 visitors came in contact with the service and it became an assured success. Next year 33,759 persons, or one out of every three visitors in the park, came in personal touch with the nature guide service. These Yosemite visitors, on arriving at other parks, sought first the office of the nature guide and, on finding there were no nature guides employed, wanted to know why not. So in order to meet an insistent demand, nature guide service has been installed in other parks; first in Yellowstone in 1921, and during the past year in Glacier, Mount Rainier and Sequoia Parks. In 1922 nature guide work was carried on in five national parks and will be continued in these parks next year.

WHAT IS A NATURE GUIDE

What is nature guiding and a nature guide, perhaps you are saying. A nature guide is a hike leader, school teacher, lecturer, scientist, and game leader all in one; in fact, he is a walking encyclopedia of out-doors information. His job is to tell you the names of the animals, birds, trees, flowers, and to discover with you nature's secrets that lie hidden to the multitudes, but in plain view of one who has eyes to see.

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[1] Contributed at the request of the American Civic Association.

An account of the work undertaken last year in the various parks will afford a better understanding of the nature guide service. In Yosemite Valley, daily field trips for old and young were made under the guidance of experienced nature guides, giving those taking the trips an opportunity to see and study the living and growing things of the park. Lectures and camp-fire talks on the flora and fauna were given nightly at the hotels and camps, even extending to the outlying lodges above the valley's rim. A flower show, where specimens of the park flowers in season were kept on display, enabled those interested to study them at close range. Regular office hours were kept in which those interested might come and ask questions concerning the botany, zoölogy, topography, and geology of the park.

LARGE NUMBERS PROFIT

The lecture attendance last year was 39,525 persons, while 3,039 persons made the field trips. Also 33,071 persons visited the park museum to study the exhibits exemplifying the natural history, zoölogy, ethnology, botany and history of the region. In Yellowstone Park a nature guide delivered a total of 232 lectures on the park, its geology, flora, fauna, history, etc., to 60,000 visitors. Lectures were given at Mammoth Camp, Mammoth Hotel, and in the auto camp ground at Mammoth before the evening bonfire. Twenty-seven thousand one hundred and three people were guided over the formations at Upper Geyser Basin and 10,396 people were guided over the hot-spring terraces at Mammoth. The information office and museum at park headquarters at Mammoth were visited by thousands of persons.

The nature guide service in Glacier Park was conducted under the auspices of the University of Montana. Information desks were established at the principal tourist centers at which the nature guides were available to answer questions on the geology, flora and fauna, and scenic features. Many walks were taken, during which natural objects of interest were pointed out and explained to visitors.

In Mount Rainier National Park a nature guide at Paradise Valley answered questions on the flora, fauna, and geology of the locality, and took interested visitors on short field trips to study these features. Each evening he gave a short talk illustrated with colored slides outlining the chief natural features of the mountain. At Longmire Springs in the auto camp grounds a novel sylvan theater was constructed by arranging the glacial boulders at hand. Here camp-fire talks were given of evenings on the flora, fauna, geology, and history of the park.

Mention should also be made of the exceptional service rendered by Dr. J. Walter Fewkes, chief of the Bureau of American Ethnology, Smithsonian Institution, who, for several years, has conducted archaeological excavations in Mesa Verde National Park. Each evening at the camp-fire circle in Spruce Tree Camp he reconstructed for the visitors in intensely interesting talks the life of the early dwellers on the mesa, whose remarkable cliff dwelling ruins are the only records of these people vanished centuries ago.

THE BIG TREES AND THE LITTLE PIKA

Amid the giant sequoias in Sequoia National Park a nature guide told of the centuries that these big trees have looked down to earth, for many were sturdy youths when Christ was born in Bethlehem. Another resident of Sequoia which has come down through the ages as a survival of the fittest to live in a region difficult for other animals to utilize, is the Mount Whitney pika, or cony, which lives in rock slides. Making these shy little animals known to the visitor was one of the many pleasant duties of the nature guide for perhaps no other animal is of greater interest to the lover of nature. Home-loving creatures, always living in groups, their industry excells that of most animals. With the head of a rat, the body and fur of a rabbit, and no visible tail, the pika presents a curious appearance. They have a protective coloring that blends with the rocks of their surroundings and, owing to their extreme shyness, they usually escape the attention of the ordinary park visitor; but he who is fortunate to walk with the nature guide may discover their haunts and so watch these creatures freely existing in their rocky abodes safe at least from man, for hunting is not permitted in the national parks.

Besides being the vacation grounds of the nation, rich in majestic scenery and opportunities for healthy recreation, our national parks are veritable storehouses of education. As Director Mather once said, they are the "school rooms of Americanism where people are studying, enjoying, and learning to love more deeply this land in which they live." The nature guides are the willing teachers in these out-door classrooms ready to assist you better to enjoy your vacation.

THE UNITED STATES COMPTROLLER GENERAL AND HIS OPPORTUNITIES

BY WM. H. ALLEN

Director, Institute for Public Service

Dr. Allen's incisive paper directs attention to a recently created official possessing unique possibilities in danger of being pigeon-holed. Did you know that there is a comptroller general with a fifteen-year term? :: :: :: :: :: :: :: :: ::

After listening to Director Lord's most interesting illustration of constructive work being done by the bureau of the budget, and after reading his statement entitled "The National Budgetary System," I feel more strongly than ever before the importance of the comptroller general's opportunity.

A NEGLECTED OFFICE

The fact that this office and its relation to the whole budget program was not mentioned by Budget Director Lord;[1] was only once even incidentally mentioned in the monthly issues by the National Budget Committee from April to November, 1922; and has been barely discovered as yet by most commentators upon the budget merely accentuates the comptroller general's opportunities.

The fact that the nation's business men, speaking through the organ of the

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[1] In his oral address before the National Municipal League. Mention is made in the formal copy of the address printed in this issue.

Chamber of Commerce of the U. S. A., should talk about the budget director as a "field marshall of figures," again without discovering the comptroller general's relation to the budget, adds to the conviction that we cannot safely go on much farther without discovering, uncovering and spot-lighting the opportunities of the comptroller general.

Another aspect of the budget director's statement emphasizes the terrific cost that is bound to result from our failure to see now, after the budget law, what congressional leaders saw before that law was passed, namely, that congress and the public need what only someone outside the presidential family will ever give—an independent check on executive expenditure and executive publicity. Only as a shrinking violet does there appear in the budget director's statement or in the numerous statements by the National Budget Committee and other more or less official utterances respecting the budget, the conception of the budget as a work program. On the contrary, the budget is defined by General Lord, speaking here as the nation's budget architect, as "a detailed statement of expected receipts and proposed expenditure." That definition of a federal budget or a state budget or a city budget or a family budget misses the spirit and essence of the budget movement, namely that a budget should be first of all a picture, not of expected receipts and proposed expenditure, but of expected benefits and proposed service.

Unless service is taken as a starting point and final testing point of budget making, we shall find here as Herbert Casson, an American economist, wrote from London about Britain's carefully balanced budgets, that "the budget has about as much effect in checking extravagance as a ribbon on a frog."

IS THE JOKE ON THE TROMBONE PLAYER?

The very humorous illustration[2] which Director Lord used of confusion and lack of team work in government, seems to me to show the need for "expected service" rather than "expected receipts" as the basis of budget making. He cited a New England orchestra whose leader said, "We shall now play Number 16," and whose trombone player forthwith ejaculated, "Why I've just played Number 16." Director Lord and the audience saw in this a joke on the trombone player, but why, pray, should not our trombones play Number 16 or Number 166 when the rest of the band is playing Number 6, if neither the director nor the audience knows the difference? With the kind of budget approach and budget development which does not include the independent, unhampered, fearless, factbased analysis and criticism which congress says shall be given by the comptroller general, no method ever yet devised will help our budget director or our public know whether the trombone player is at Number 16 or Number 6.

THE COMPTROLLER GENERAL'S OPPORTUNITIES GREATER THAN ANY OTHER OFFICER'S

The opportunities of the comptroller general to serve the United States where it now most urgently needs help are greater than those of any other elected or appointed public officer, not excluding the president and his cabinet. A comptroller general who lives up to his opportunities can do more to make the president efficient, to make the president's budget director efficient, to make congress and its committees and our voters efficient than any other single officer.

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[2] Introduced as an "aside" in General Lord's address.

If public charges are made that the department of justice wastes tens of thousands of dollars on a Cronkite case, that our foreign service is hurting our foreign business because underfinanced, that our shipping board wastes millions by incompetence, that wasteful methods are subsidized by the budget director, the comptroller general is the only officer with power, duty and motive to give the public the truth.

When, as is happening right now, the minority party denies the accuracy of statements made by the budget director and holds up to public ridicule alleged perversions of the budgetary power, an interested public will never accept the statements of the budget director or the executive who names him, or of the party in power as nonpartisan, unbiased statements of fact. Moreover, there is not "a Chinaman's chance" that the present budget director, in spite of his personal desire for the truth and the whole truth, will feel free to advertise publicly either errors in the work of his predecessor or defects of his own machinery or astigmatism on the part of the departmental budget officers from whom he takes his own description of departmental needs.

HIS UNIQUE POSITION

The comptroller general's extraordinary opportunities for stimulating and compelling efficiency are given in the federal budget law. His term is fifteen years, overlapping four presidential terms and eight congresses. He is named not by the president, not by either house of congress, but by joint resolution of congress. Unless the office is abolished, he cannot be removed by any spender or even by congress itself, except by impeachment or after proof that he is physically incapacitated or has been guilty of either inefficiency, neglect of duty, malfeasance in office, or conduct involving moral turpitude.

It is his special business to report to congress at least once a year and oftener when congress is in session if he wishes recommendations looking to greater economy or efficiency in public expenditure. For failing to make such reports, after investigation upon which such reports can be fact-based, he can be removed. For telling the truth, no matter how unpleasant, he cannot be removed unless congress is willing to declare that telling the truth about public waste and inefficiency is a clear sign of moral turpitude.

POWER TO AUDIT RESULTS

If the comptroller general uses his opportunity, he can drive home not only to our federal government but to state and city governments, great relief funds and foundations, colleges and universities, three badly needed lessons:

1. A mere audit of money is no protection whatever against misuse of money and of power; audit or field studies of results is needed.

2. The executive who spends the money and directs the use of delegated power—whether president, governor, mayor, city manager, university president or foundation head—cannot be trusted to seek and to broadcast the truth, the whole truth and nothing but the truth about preventable waste of money and preventable misuse and underuse of power. If we really want this service, we must look for it to the office not responsible to our spenders, such as the auditor of the state, the comptroller of the city, the division of reference and research for the board of education, the special auditing division of the foundation responsible to its trustees.

3. Extravagance and not efficiency will come from our imitating European balanced budgets unless we refuse to

imitate the European practice of balancing a budget by merely raising money enough to pay for wildest extravagance.

If the comptroller general lives up to his powers of scrutiny, subpoena, truth telling and protection against penalties for telling unpleasant truth, it will be vastly easier for taxpayers throughout our country to insist upon similar truth about waste and opportunities in cities and states.

THE NATIONAL BUDGET SYSTEM[1]

AND THE FINANCIAL SITUATION FACING THE UNITED STATES

BY GENERAL H. M. LORD

Director of the Budget

A BUDGET is a detailed statement of expected receipts and proposed expenditures, prepared prior to the period to which it pertains. The Budget and Accounting Act, approved by President Harding June 10, 1921, provides for just that, with the requirement that if the Administration's detailed statement of proposed expenditures called for more funds than the detailed statement of expected receipts evidenced would be available, the president should submit as part of the budget his recommendation of ways and means to secure the additional revenue required to finance the spending program recommended. The Budget and Accounting Act of June 10, 1921, provided an agency for carrying out the terms of the act, termed the bureau of the budget. This bureau was created as an instrumentality directly under the control of the president for the purpose of enabling him to make effective his responsibility to congress and to the country for the efficient exercise of his administrative authority over the operation of the budget and over the expenditure of funds thereunder appropriated for the support of the government. It was established solely upon the principle of presidential responsibility, and it is given no function under the Budget and Accounting Act which it can exercise independently of the president. This is as it should be, for the president is the head of the business organization of the government.

THE COMPTROLLER GENERAL

The Budget and Accounting Act also created an establishment of the government known as the general accounting office, which is independent of the executive departments and under the control and direction of the comptroller general of the United States. Among the duties devolving upon the comptroller general are those of prescribing the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments of the government and for the administrative examination of fiscal officers' accounts and claims against the United States. The comptroller general has already placed in effect a classification of objects of expenditure for the departments and establishments of the government for the purpose of obtaining uniformity in administrative appropriation and fund accounting and in the analysis of governmental expenditures. This is a long stride in the direction of uniformity of fiscal accounting, and marks the beginning of the plans of the comptroller general to establish uniformity in the accounting system for governmental expenditures.

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[1] An address before the National Municipal League at Philadelphia, Nov. 23, 1922.

I plan to confine my discussion, however, to the subjects of governmental estimating for funds, control of expenditures, and the co-ordinating of the federal business activities—a discussion of the routine business of the federal government.

GETTING THE MONEY

One of the most necessary things in a business—and the United States government is the biggest business in the world—is to get the money for operating purposes. Heretofore the estimates were prepared by a multitude of unco-ordinated agencies, and when brought together in the book of estimates for submission to congress represented no administrative policy, had been compiled without regard to treasury conditions, and were always greatly in excess of actual operating needs. From 1890 to 1922 the estimates submitted by the executive departments were twenty-three billions in excess of the appropriations made. Under the budget law this most undesirable, unscientific and expensive system has given way to a method of actual, careful estimating. Under the law each head of a government agency charged with the administration of public funds appoints a budget officer, who is charged with the preparation of estimates for his department. Through contact with the bureau of the budget he is informed of the administrative policy and of treasury conditions, and is expected to prepare and is in a position to prepare and submit to the head of his department an estimate that will fit into the national program. The various departmental estimates, prepared in this scientific way, approved by the departmental heads, are forwarded to the bureau of the budget. Here they are submitted for careful examination to investigators, one for each department, whose entire time is devoted to the work of that department, who know its genesis, organization and functions, and who have been available for assistance to the corresponding budget officer in preparing the estimate. Comparison is made of the estimates from one department with estimates from other departments, duplications eliminated, modifications and necessary reductions made, the conditions of the treasury studied, and the entire collection—estimates from the forty-three departments and independent establishments of the government—dove-tailed together, welded into a harmonious whole, reflecting in dollars and cents the policy of the administration. During this process the bureau of the budget consults frequently with the chief executive and the department and establishment heads so that the budget will really represent the actual needs of the government and the policy of the administration. The budget, prepared in this way, is then submitted to congress by the president, with recommendations of ways and means of procuring additional revenue, if the income from established sources is not sufficient to finance the spending program recommended. Heretofore chiefs of departments and independent agencies could submit estimates for appropriations to congress without restraint. Under the budget law all requests for appropriations must be submitted to the bureau of the budget, for submission to the chief executive, in whom is vested the exclusive power of submitting estimates to Congress.

APPROPRIATING THE MONEY

As a result of the enactment of the budget law a great revolution has taken place in the organization of the house and senate along appropriating lines. To-day all appropriations of the government are made on bills reported to congress from one committee, the appropriations committee of the house, and the appropriations committee of the senate. This arrangement affords opportunity for comparing the estimates of one bureau with those of another, and permits consideration of the country's needs as one complete study by one committee acting for the house and one committee acting for the senate.

Under the operation of the budget law the annual appropriations for each department now all appear in one act, and it is not necessary in order to find how much money is available for a department or agency to search through several different appropriation acts for that information. This is certainly a long step in advance along the road of proper governmental financial procedure.

SPENDING THE MONEY

As under the old procedure there was no co-ordination of estimating or appropriating, so there was no co-ordination of expenditures. The amount appropriated was regarded as the minimum to be spent. The late Andrew Carnegie said at one time that he considered it a crime to die rich. The spending agencies of the federal government seemed to feel that way about their appropriations, and that it was inexcusable to terminate a fiscal year with an unobligated balance of an annual appropriation in the treasury. Some years ago a government official, having a considerable balance, promptly turned it back into the treasury, reaping therefor contumely, scorn and criticism instead of expected plaudits and commendation. These governmental officials, however, simply carried out what was understood to be the wishes of congress in those days of generous excesses of treasury receipts over liberal expenditures. Times have changed, however, and under the existing order of things the amount appropriated is intended to be the maximum of expenditure, with pressure for such efficient and economical administration as will produce the desired result with an expenditure less than the appropriation.

The co-ordination and control of expenditures, at this time without doubt the most important and urgent need of the government, is also the most difficult of realization. With the installation of the budget system the president of the United States, for the first time in the history of this country, assumed his proper place as the actual head of the business organization of the government, accepting in so doing all the great and trying responsibilities that such assumption of direct leadership entailed. The budget law gave him an agency for imposing policies of economy on the government's many establishments, an agency which he is utilizing and proposes still to utilize for the purpose of saving millions of dollars of the people's money.

THIS YEAR'S FINANCES

The best estimate of proposed expenditure for the fiscal year 1923, as of July 1, 1922, is $3,771,258,542. This includes the amounts the spending agencies of the government estimate they will expend; it includes also $489,231,368 customs refunds, pensions and other items not subject to administrative control; includes $330,-

300,000 for reduction in the public debt, $34,362,000 investment of trust funds; and carries also $975,000,000, interest on the public debt. Of course, no account can be taken of further demands which may result from legislation yet to be enacted for this current fiscal year by congress. All of this adds interest to an already interesting problem.

The best estimate of ordinary treasury receipts from all sources for this fiscal year is $3,098,825,311. This includes $1,300,000,000 expected from income and profits taxes, $900,000,000 from miscellaneous internal revenue, with a grand total of $523,825,311 miscellaneous revenue which includes $225,000,000 from interest on foreign obligations.

Thus the excess of estimated expenditures over estimated receipts is $672,433,231.

Expenditures must be reduced and projects that can be postponed to a subsequent and more favorable season must be so deferred. The departments and independent establishments of the government, in compliance with the recommendation of the president, have set aside in a fund termed a general reserve an amount totalling many millions of dollars which they will try and save. This money is not subject to obligation by the spending agencies in a department without specific authority from the department head. These agencies are expected to plan their program for the fiscal year as if the amount in the general reserve did not exist. The anti-deficiency act, which requires apportionments of funds over an entire year to prevent exhaustion of appropriations in the first half of the year with resulting deficiency appropriations, is being strictly enforced, not only with a view to prevent deficiencies, but with an eye on attendant economies through restricting the activities for each quarter to the money allotted to that quarter.

Another factor in the solution of this problem is the increase of revenues from established sources. One of these is the sale of surplus property. There is included in the anticipated receipts for 1924 the sum of $80,000,000 as the expected yield from sales of supplies. The surplus supply situation is being intensively studied with a view to so accelerating the declaring of surplus and its sale that additional and needed millions may be added to miscellaneous receipts of the treasury. Other sources of revenue are being studied for the same purpose—increase of ordinary receipts. It is an interesting problem that means a dogged, persistent, tireless, fight until the treasury closes at half-past four, the afternoon of June 30, 1923. And if when the returns are all in, and the budget for the fiscal year 1923 is balanced, it will be due to the firm and businesslike stand taken by the president, the co-operation of the business personnel of government, and the indorsement of the people at large who realize the importance of the problem and the direct bearing it has upon them.

NEXT YEAR'S FINANCES

Coincident with the task of reducing expenditures and increasing revenues for the current operating year is the work of preparing estimates for funds necessary to finance the administration for the next fiscal year which will begin July 1, 1923. Estimated receipts for next year, compiled by the treasury department, amount to $3,198,456,871. The president, carrying out his policy of keeping expenditures within receipts, informed the personnel of the business organization of the government at its second annual meeting July 11, last, that he would approve no estimates which with existing authorizations of expenditure would total more than that amount. The forty-three departments and independent establishments of the government are required by law to submit their annual estimates to the director of the bureau of the budget not later than September 15. For the purpose of getting a bird's-eye view of the needs of the executive departments, call was made by the bureau of the budget for the submission of preliminary estimates, without supporting detail, August 1. In this call attention was invited to the instructions of the president and his additional statement that the estimate of receipts for 1924 evidently would not permit as liberal appropriations for 1924 as had been granted by congress for 1923. When the preliminary estimates were received, however, it was found that not only were they many millions in excess of the current year's appropriations but nearly $200,000,000 in excess of the estimated receipts for the next fiscal year. The director of the budget, then, with the approval of the president, took each estimate, cut it down, item by item, in the light of the best information available as to the merits of the various projects, combined the resulting totals and found he was within the maximum amount fixed by the president—expected receipts for the next year. Then by direction of the president the budget director allocated the new total of each estimate to the department concerned with instructions to distribute that amount over its various activities and projects, and submit the result as the regular estimate September 15. The estimating agencies were notified at the same time that if the amounts falling to any item or group of items under this plan were inadequate a full presentation of the case should be made when the estimates were submitted and the statement would be given consideration. This accomplished what was intended, a complete reversal of former procedure under which there was little or no limit or restraint upon the amounts that could be estimated for, the reviewing authority being obliged to prove that the amounts requested for the several items were too large. Anyone familiar with the enthusiasm and surpassing ability with which the experts in the departments defend their estimates, no matter how swollen, will appreciate the utter hopelessness of that task when the field to be covered involves items of estimates numbering hundreds if not thousands. Under the new procedure the proponents of the estimates must justify and prove the need of increases over the amounts allocated, which is an altogether different procedure. This will give you some idea of what the Budget and Accounting Act has made possible in the important field of estimating.

THE BUDGET BUREAU NON-POLITICAL

There is one point that I wish to emphasize at this time, and that is that the bureau of the budget is in no sense of the word a political agency. The budget movement in its inception, both in the country and in congress, was absolutely non-political. The proposal for the establishment of a national budget system was advocated by chambers of commerce and other commercial bodies and trade associations throughout the country regardless of political or geographical division. It was favored by both President Taft and President Wilson, and received indorsement in the platforms of all political parties. When the budget proposal was before congress experienced leaders of both parties served on the select budget committees of the house and senate, and in the preparation of the bill party lines were completely obliterated. The measure was advocated with equal enthusiasm on the floor of the house and the senate by Democrats and Republicans, and it passed the senate without a dissenting vote, while only three votes were recorded against it in the house. No other conception of the budget bureau than as a non-political, impersonal agency is proper, and any attempt to construe its purposes otherwise than for the general good of the country irrespective of party would be most unfortunate and disastrous, and seriously hamper its legitimate activities.

NOT A MAGIC WAND

The Budget and Accounting Act is not itself a magic wand that waves out all faulty financial procedures and beckons in the financial millennium. Habits, customs, regulations, laws that the passage of a hundred years or more has built into the very machinery of the government are not eradicated over night. The most flagrant faults will be corrected first, but it must be a continuous process, that will require years of patient, persistent, and courageous endeavor, with the unwavering, vigorous support of the executive, the coöperation of the personnel of the government, and the watchful interest and intelligent indorsement of the people of this country.

THE LEGISLATIVE BODY IN CITY MANAGER GOVERNMENT

BY HENRY M. WAITE

President, National Municipal League

Being Colonel Waites' presidential address before the Twenty-eighth Annual Meeting of the League at Philadelphia. :: ::

WITH the growth of the city manager government, we are gaining in experience. Originally, it was popular to have the commission elected at large. The original National Municipal League charter so provided. Experience in the operation of this charter has enlightened us. The duties of the commissions are different from those of the old council. Their responsibilities are greater.

The old councilman represented his district. He had his political organization behind him. He kept the people of his ward and precincts advised. With smaller representative bodies elected at large this is not so easily accomplished.

THE COMMISSIONERS MAY GET OUT OF TOUCH WITH THE PEOPLE

Commissioners, under the manager form are the directors. The governmental organization under this new form is more centralized. A great many felt, and still feel, that the commissioners, in this new form, should be business men. It was popularly believed that a business man was the only one who appreciated the responsibilities of directorship. Experience has taught us that this is not true.

One of the great difficulties has been that the commissioners sit as directors and as such determine their policies, and the city manager administers these policies, but the board of directors does not explain these policies to the stockholders.

Changes of charters are usually followed by a broadening of program for the community welfare. Those who are most interested in the adoption of the new government are the ones most interested in the variations of municipal activity. The ambition of the commissioners is to accomplish much that is new and good for the community. They take on extensive programs for improvement. Their minds become centered on these new programs. They become absorbed in themselves and their advisers and fail to keep in touch with their stockholders, the citizens. Often, the commissioners find that they are ahead of their constituents in thought and activity and that the voters are ignorant of what is being done. The realization of this fact sometimes comes too late and is answered by an election of new commissioners. Such boards of directors have been too much absorbed in *what* they were doing, and not enough in those for *whom* they were doing.

VALUE OF PROPORTIONAL REPRESENTATION

Much thought has been given and many suggestions made to cure this condition. Proportional representation is most generally favored as the remedy. Cleveland has adopted it in its new charter. Through proportional representation we are getting approximately a commission representing the cross section of a community. This will help. If the commission is elected under proportional representation, we shall have the personal interest of the commissioner in his constituency. The commissioner should be able to keep fairly in touch with the people of his representative district. At least, there will be more interest in what he says to them than if he were elected at large by majority vote.

In large communities, too small representative districts will mean too large a commission. Much, we believe, will be accomplished, however, by electing by means of proportional representation.

Election by districts under proportional representation does not mean return to the old ward system. The old ward system did have the virtue, however, of bringing into the council men of a variety of social classes. Proportional representation revives that single virtue of the ward system in a better way. In large cities, election by large districts is a necessary detail for the application of proportional representation.

The election of commissions at large is a great improvement over the election by wards. Commissioners elected at large, however, must realize their responsibility in keeping the citizens advised as to the policies and programs of the commission. The ward representatives, under the old system, did so. The smaller the representative body, the greater is the individual responsibility of each member to keep the public informed.

MANAGER COMPELLED TO DO TOO MUCH EXPLAINING

Methods of election, however, will not overcome many of the difficulties encountered by commissioners in this new form of government. There is a natural tendency on their part to feel that the manager, as administrator, can better explain to the public what is being done. Such commissioners lose sight of the important fact that *they* are responsible for the policies of the government. They forget that *they* are to be re-elected and not the manager. They neglect to take into consideration that the success of the government depends upon the composition of the commission. However, the commissioner in this new form of government must appreciate, as experience has demonstrated, that the community is interested in hearing from their elected representative for whom they feel a responsibility, and that they are not so much interested, or should not be so much interested, in what the manager has to say.

Our feeling is that the manager does too much talking and the commissioners not enough. It reminds me of the story they tell about Mr. Wright. They never could get the Wright Brothers to talk and when one of them was asked for an explanation of his aversion to publicity, he replied that, of the birds, the poll-parrot is the best talker but the poorest flier. This may be one of the troubles. The city managers are better talkers than the commissioners. Experience, however, leads me to believe that the manager has become a better talker through experience and the commissions are forcing him into the experience.

THE NOSE FOR NEWS

These remarks are largely taken from the experiences in Dayton where our program for increased activities was so great that it was all absorbing. Suddenly, we found that we were far ahead of the majority of the people of the community. A newspaper man told me that undoubtedly what we were doing was all right but that our publicity was so dry that he could not read it. All department heads were keyed up to accomplishment. They had no time to talk to the reporters. The reporters in the past were used to sitting down with office holders, whose future election depended upon publicity, and hearing long explanations of what they were accomplishing. We found that the heads of our departments did not have the nose for news. The result was that all mail baskets were open for inspection to the newspaper reporters, whose noses were sharpened for news and they were directed to the correspondence files and given information explaining what they had found.

All new activities were stopped until what we had done could be explained to the community. There were instantaneous results of renewed public interest.

The success and growth of this new form of government depends largely on its being able to overcome many of the difficulties which the form itself imposes. We believe that proportional representation will aid materially. However, the commissioners must realize that this kind of an election carries with it the obligation of a direct explanation to their constituents.

NEED NOT FEAR POLITICAL PARTIES

The question is often asked—How will the city manager government operate if a political party gets control of the commission? This is a natural question, as most of the movements to establish this modern government are made by non-partisan efforts. Its continuance is, therefore, considered dependent upon keeping it out of political control.

We do not believe this is essential. There must be political parties in this country. Democracy is dependent upon them.

The issues in municipal elections will not be the same as they are in national elections. It is, therefore, obvious that the party lines will not be so closely drawn in municipal affairs as in national affairs. The growing use of the non-partisan ballot aids materially in this direction.

What we desire to do is to turn over

to the people a first-rate vehicle for good government. The vast independent vote of this country is rapidly abolishing the old party lines. Our political parties are campaigning more and more on personalities and not on principles. Platforms are designed to get the votes from each party. We can vote for principles expressed in platforms, but we have no way of enforcing action on the principles after election. The politician is daily adding recruits to the independents. The pendulum swings slowly in our democracy, but our faith in our democracy is due to our knowing that this pendulum always swings.

Slowly the politician is realizing that an enlightened community wants to hear about principles and not about personalities. This enlightened public is demanding that party lines be defined on principles. This enlightened public wants to know *what* it is voting for. It wants to vote intelligently. When it has voted for principles, it demands that these principles be enacted. When the politician realizes these facts, the pendulum will swing back, the independents will decrease, and platforms will cease to be scraps of paper. This is why we do not fear party politics in our municipal commissions.

We have tried and failed utterly to get good city government through charters which tie our officials, hand and foot, with red tape. We are struggling to give more liberal charters by which we can more easily and economically obtain good government.

To our minds, it is no great achievement for a commission and manager to give better government. They certainly are dismal failures if they do not. This new charter gives them the machinery that makes good government more easily obtainable. Therein lies the hope. This explains its growth in spite of the antagonism from the local politician. He fights this charter because he believes it threatens his prerogatives. It is, nevertheless, in this charter that he has the means to give the very thing he is struggling to give—better government.

If we admit that we must have political parties in a democracy, then we must admit that the commissions under these improved charters will eventually be controlled by them. The political parties are wise—they will soon see the many advantages of this new form of government and it is through an enlightened public, comprising the political parties that we must obtain the charters with centralized authority in county and in state government.

DAYTON LEVIES SPECIAL ASSESSMENT TO BUILD PARK

BY R. L. SESSIONS

PRIOR to the acquisition of the Dayton View park site, the city of Dayton had never attempted to acquire park lands by special assessment. The various parks throughout the city have been secured generally by gift or bond issue.

Dayton View park will extend along the shore of the Miami river beginning at Dayton View bridge and extending southward about one quarter of a mile to the mouth of the Wolf creek. One of the city's best residential sections will be greatly benefited by the fine approach this park will render to Dayton View.

In order to acquire that portion of the park leading from the Dayton View bridge as indicated by the cross hatching on the accompanying map, various old buildings along the Miami river were condemned. The total cost of land and buildings involved in the condemnation proceedings came to $110,000. As the result of the efforts of an association of Dayton View citizens, $25,000 was raised by subscription. The city authorities agreed that the city should give $30,000, the remaining $55,000 to be assessed on the Dayton View property owners.

That portion of Dayton View park to the left marked "Conservancy" and another portion extending along Wolf creek up to Orth avenue will be purchased by the city, thus extending considerably the park site outside the condemned area.

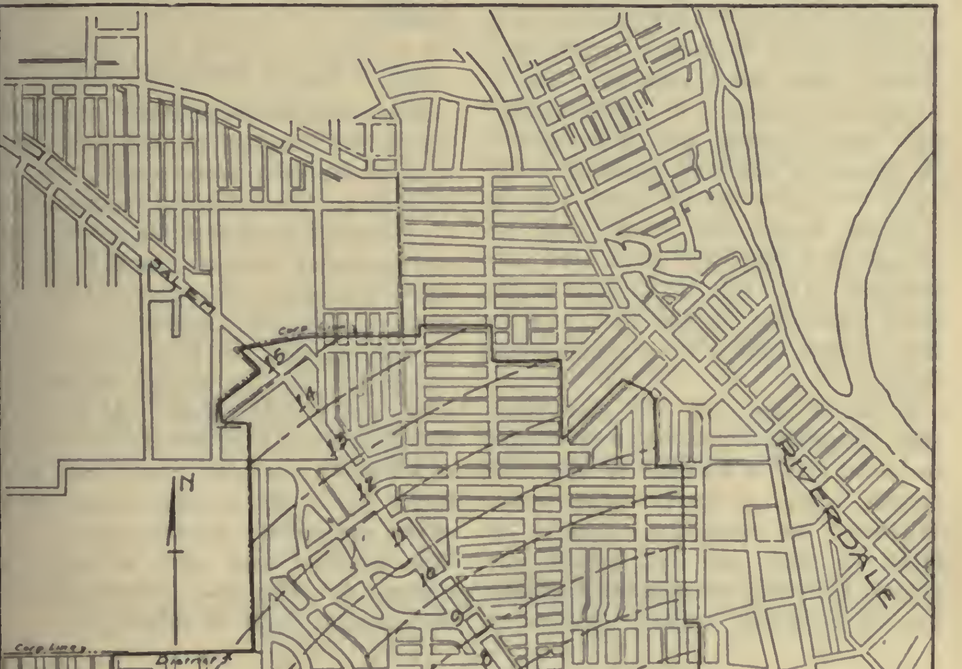
GRADUATED ASSESSMENTS

In order to assess the $55,000 upon the property owners of Dayton View, it was thought best to assess over the entire area back to the corporation line. The assessment area established for this purpose is indicated by the map.

The south boundary of the assessment area follows the shore of the Wolf creek. The northeast line follows as closely as possible what is considered the boundary line between Dayton View and Riverdale, an adjoining residential section having a fine park and therefore not subject to assessment for Dayton View park. Although the Miami river was made the southeast boundary line, property across the river will have an excellent outlook upon the park. These properties were not assessed, for the reason that the river formed a convenient physical boundary and only the rear of these properties faced the park.

In accordance with the principle that the benefit derived from a public improvement of this character diminishes with the distance and at a faster rate, it was determined to grade the individual assessments in accordance with a definite ratio commencing with $100 for a standard lot in the first zone, $27.60 for a standard lot in the second, and so on down to $1.146 for a lot in the last. The ratio for each zone is shown in column 3 of the table below as the "preliminary zone rate." The amount of benefit assigned to each standard lot was termed "one benefit."

As indicated on the accompanying map, the writer placed all property abutting on the park in zone number one, dividing the remaining distance to the corporation line into fourteen additional zones of approximately equal width. By referring to the map, it will be seen that the abutting properties of zone number one all border on Riverview avenue, and the zone lines are drawn normal to Salem avenue used as an axis. In drawing these preliminary lines, a pair of dividers was used to establish the zone widths on Salem avenue. These lines were then transferred to several large maps showing lot numbers, the result being a series of broken lines generally running along the street and alley. Whenever the course of the broken line by following


SALEM
Corp. Lines
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1
N
Corp. Lines
District
ASSESSMENT
DISTRICT
RIVERDALE
District Line
MIAMI
DAYTON VIEW BRIDGE
PARK
WOLF CREEK

MAP SHOWING SPECIAL ASSESSMENT AREA FOR DAYTON VIEW PARK the street and alley would deviate too much from the preliminary curved line, then the course would be drawn between properties. Streets and alleys were used for the dividing lines as much as possible, for the reason that it was thought that many property owners would have difficulty in understanding why two adjoining properties should be placed in different zones, it being more or less clear to them why a neighbor across the street could be placed in a different zone. It was thought that this difficulty might arise, especially in the first two or three zones, where the rates change rapidly.

In some zones of the assessment area, the prevailing lot width was found to be 30 feet, in another 40 feet, one benefit being given in either case. Wherever an extra house could be built, an extra one half benefit was given. Following the plan used in Dayton in assessing sanitary sewers, a corner lot was assessed an extra one half benefit. This extra amount might be considered somewhat high but was thought advisable in keeping with local practice.

HOW RATES WERE COMPUTED

After arriving at the benefit ratio by zones, the number of benefits were totalled for each zone as indicated in column 2. Then the individual items of column 2 were multiplied with the corresponding items of column 3, giving the total preliminary assessment for the zone as indicated in column 4. It will be noticed that the total preliminary assessment for the entire assessment area came to $41,502.00. As $55,000 was the amount to be levied, the division of $55,000 by $41,449 gives 1.3272 as a factor to be used in multiplying each of the preliminary rates in order to obtain the final zone rates, as given in column 5. The final assessment for each zone is shown in column 6.

Assessment Rates—Dayton View Park, Dayton, Ohio

(1) Zone No.	(2) No. of Benefits	(3) Preliminary Zone Rate	(4) Preliminary Assessment	(5) Final Zone Rate	(6) Final Assessment
1	78.0	$100.00	$7,800	$132.72	$10,352.15
2	263.0	27.60	7,260	36.62	9,594.35
3	282.5	13.60	3,840	18.05	5,099.50
4	319.0	9.35	2,980	12.39	3,952.00
5	323.5	8.06	2,630	10.70	3,462.55
6	424.5	6.90	2,925	9.15	3,883.15
7	455.5	5.76	2,625	7.64	3,481.50
8	509.0	5.20	2,640	6.89	3,500.10
9	518.0	4.70	2,440	6.24	3,230.50
10	590.0	4.04	2,380	5.35	3,157.00
11	617.0	3.36	2,070	4.46	2,754.00
12	358.5	2.89	1,038	3.83	1,372.80
13	246.5	2.31	568	3.06	754.30
14	128.0	1.735	222	2.30	294.40
15	73.5	1.146	84	1.52	111.70
			$41,502		$55,000.00

The meetings of the board of revision brought out the following complaints. Fourteen property owners objected to any assessment whatsoever on the ground that they would not use the park or that the park would be of no benefit to their property. Eight property owners who had previously subscribed to the Dayton View Association, asked to be relieved of the assessment. Seven property owners claimed they were assessed with too many benefits. Five asked for an equalization of their assessment with those of their neighbors, which were generally granted if thought reasonable. One property owner complained that the entire assessment was illegal. Another owner asked to be relieved of a part of his assessment as he had sold a portion of his lot.

One citizen maintained that the northeast boundary should be moved over at least one block, in order to take in more territory. It was explained that the line was arbitrary and should stand as drawn.

The commission, after receiving the report of the board of revision, passed the necessary assessment ordinance. Thereupon bills were served providing for payment within thirty days. In case payment is not made within thirty days, the assessments will be certified to the county to be placed upon the tax duplicate and collected along with the general levy in ten yearly installments. All unpaid assessments will bear 5 per cent annual interest.

EMPLOYMENT MANAGEMENT IN THE BRITISH EMPIRE[1]

BY W. E. MOSHER
National Institute of Public Administration

The drift is towards a central agency with jurisdiction over working conditions. :: :: :: :: :: :: :: :: ::

If for no other reason than lack of funds, the majority of our civil service commissions have generally been unable to develop other functions than examination and certification of eligibles, even though the law under which they are operating usually gives them a wide range of powers in employment matters. In foreign countries, however, noteworthy developments along these lines have recently taken place. This is particularly true of the English-speaking countries. As it is to Great Britain that we owe our first civil service law and procedure, it is natural that we should look to England and the dominions for guidance as to the probable evolution of our existing practices.[2]

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[1] Originally prepared for the report of the Committee on Civil Service of the Governmental Research Conference, entitled the "Character and Functioning of Municipal Civil Service Commissions in the United States."

[2] Inasmuch as the English municipalities have no civil service commissions, attention is directed in this section to the conditions in the central government, both in England and its dependencies. It is of interest to note that a recent writer, who reviews the employment situation in the English municipalities, urges in the name of proficiency the adoption of minmium qualifica-

THE DRIFT TOWARDS CENTRAL MANAGEMENT

The purpose of this article is to point out that centralized employment management under the conditions of public administration is an accomplished fact, and that, except for England, the central agency is the civil or public service commission. On the other hand, the mother country has gone much farther in the organized development of employee representation than have the other countries. We shall thus see that government is looking in the same directions for the solution of its "industrial relations problem" as the private employer. Like conditions are calling forth like remedies.

England, the older and more conservative country, has been slow to adopt new methods and extend the functions of its administrative agencies, but the tendency toward service-wide standardization of employment conditions is noticeably forging ahead. It is in the government of the dominions, however, that centralization of employment control under a single responsible agency has made most progress. In Canada, New Zealand and the states of Australia, the functions of the civil service commission have been expanded to include most duties that pertain to employment control and in many cases, what is more, also to cover functions that properly belong to a bureau of administration and efficiency.

ENGLAND

The situation in England is in a state of flux at the present time. The one constant seems to be the civil service commission. Apparently, it is expected that it will continue as heretofore as the recruiting and examining agency without undergoing either curtailment or expansion of duties.

It appears likely, however, that the Treasury will exercise more and more those functions that properly belong to a central employment department.

Both the most recent Royal Commission on Civil Service appointed in 1912 and a special board of commissioners, reporting to the Treasury on organization and staffing in 1919, urged that the Treasury be strengthened with a view to exercising more effective control over the organization of the civil service and further that a special division be created in the Treasury for that purpose.

The functions contemplated for the Treasury may be summarized under the following heads:[3]

1. To watch over general conditions and activities of the civil service with a view to its effective economic employment.
2. To make suggestions to the head of the department.
3. To secure machinery for recognizing and rewarding exceptional cases of ability and merit.
4. To bring about transfers if such transfers are to the advantage of the service.
5. To carry out inquiries and investigations into any matters connected with the departmental administration or methods of work.

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tions for entrance into the service. He deplores the system of patronage encountered in local government which is charged to the absence of any method of recruitment based on officially controlled qualifying tests. Robson. *From Patronage to Proficiency in the Public Service,* The Fabian Society, 1922, pp. 40, 43.

[3] Fourth Report of the Royal Commission on Civil Service, p. 87.

The commission on organization and staffing is even more specific in that it recommends the creation of an establishment division of the Treasury as well as the appointment of an establishment officer in each department whose business would be to co-operate with the treasury division. The establishment division would supply the need of permanent staff management, being responsible for the adoption of uniform regulations covering selection, probation, promotion, placement, transfer, sick leave, superannuation, etc. It would also serve as a clearing house for records, better methods of management, the installation of labor-saving devices, and the like.

Whether because of the above recommendations or on account of other causes, the Treasury has been reorganized and a controller of establishments has been appointed and endowed with very wide powers. This appointment will inevitably extend the activities of the Treasury in its control of salaries and personnel matters.

Another force making for standardized employment conditions and a progressive policy is the National Whitley Council that has been operating since 1919. Because of its achievements, its broad program and its promise, a brief description of it will be appropriate at this point.

The Whitley Council consists of fifty-four members appointed in equal numbers by the government and the associations of employees. Its constitution gives it a very broad commission enabling it to deal with questions that range from remuneration to the improvement of office machinery and organization. The council works by agreement. If agreement is reached, the decisions become operative, as the staff members will have gotten their instructions during the negotiations from the Treasury or on special matters from the cabinet. The administration of the order is then vested in the Treasury or the department involved.

The records of the agreements reached by the Whitley Council already cover vital employment matters as, for instance, classification and methods and lines of promotion. When it is considered that the constitution of the National Whitley Council authorizes it to investigate and report "on matters affecting the civil service with a view to increased efficiency in the public service combined with the well-being of those employed," we may predict that as an outgrowth of Whitley procedure the Treasury will become more and more active as the center of personnel administration.[4]

THE DOMINIONS

In a minority report on the question of central supervision and control of personnel policy, Sir Kenneth Muir Mackenzie, an eminent legal authority, strongly urged that the Treasury should not be given the responsibility that was recommended by the majority members of the Royal Commission on Civil Service, but rather that some independent body should be chosen. He concluded his comments by suggesting that if "the civil service commission were properly constituted, it would more nearly approach what is required."

The dominions which have been less hampered by tradition and a strongly entrenched central department, such as the Treasury, have adopted the policy outlined by Mr. Mackenzie. That is to say, the civil service commission, or rather public service commission, the more usual designation, has been given a broader charter both to supervise and control all conditions affecting the civil service and also to investigate any and all phases of departmental management that make for efficiency and economy. The latter provision covers departmental organization, organization of work, use of labor-saving devices, and similar matters.[5]

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[4] The Whitley scheme was also applied to the municipal governments on a national scale, but on account of a lack of co-operation broke down in 1921. About 93 municipal joint committees are still operating, however, and a movement is under way for the re-establishment of the national organization.

If space permitted it would be well worth while to summarize the activities described in the annual reports of these commissions in order to indicate that the manifold duties prescribed in the law have been faithfully and, in some cases, most thoroughly carried out as regards both personnel and general administration.

For instance, the Queensland commission has paid much attention to recruiting junior employees from the schools and to training those already in the service for advancement. It has also gone into the matter of providing adequate housing for the employees in the outlying districts. In the last report for New South Wales, considerable space was given to the justification of periodic tests as a means of stimulating zeal for promotion and of broadening the equipment and outlook of the civil servants. The question of standard provisions for travel expenses and the necessary means of transportation is considered in three or four of the reports. Standardization of leaves, holidays and overtime remuneration, as well as the matter of appeals, discipline and dismissal, are given more or less space in most of the annual reports. In short "the placing of all staff matters and appointments under the jurisdiction of the public service commission," to quote the last annual report from South Australia, "is in operation in all states of Australia and New Zealand."

The foregoing brief review will indicate how truly the civil service commission has become the central employment agency of the governments concerned. There is, in fact, practically no function normally performed by the typical personnel department in the field of private employment which has not been performed by one or more of the civil service commissions under review.

Before concluding this brief outline, reference should be made to the general practice in the dominions to recognize the advantages of providing some means whereby the representatives of the rank and file of the employees may be consulted with regard to matters of interest to them. In one form or another various commissioners virtually subscribe to the statement of the Royal Commissioner of Queensland, who, in commenting on his own weekly meetings with the employees' representatives, expressed the opinion that "these meetings are tending to make the wheels of public service administration run more smoothly." The co-operation of the employees in regard to policies affecting their work and working conditions is being stimulated, therefore, by some form of representation both in England and its dominions.

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[5] This obviously goes well beyond what is ordinarily assigned to the division in charge of personnel. It may be explained as due to the close relation between the size and quality of the staff and the whole work policy and scheme of organization, but it is also due to the obvious need of having a clearing house for information as to the most approved methods of administration and a center for co-ordinating the work of the various departments. At any rate, legislation in New South Wales (1902), in Canada (1918), in South Australia (1916) and Queensland (1920), and the proposed act for regulating the public service in the Commonwealth of Australia, imposes the double function described above on the public service commissioners.

It should also be noted that a number of municipal commissions in the United States have the power to investigate the organization and efficiency of departments and to recommend changes.

CONCLUSION

It will be seen from the above review that the government-employer is not lagging very far behind the industrial leader. Both have to meet similar human problems and both have pursued similar methods. Instead of letting vital problems solve themselves or go unsolved, both have established a central human relations department, endowed it with ample powers and supplied it with funds adequate to its functions. In the name of a fuller understanding and increased interest in the work, both have also provided or sanctioned a considerable degree of self-expression through the medium of representatives chosen by the rank and file of the workers.

The conditions that give rise to these developments in the relations between employer and employee, whether in private industry or in the governments of the British Empire, are not materially different from conditions encountered to-day in the various jurisdictions in the United States. The typical civil service commission in this county now largely engrossed in selecting new employees might well follow the lead of the commissions just described and adapt to the public service the whole range of employment policies that have a recognized place in modern administration. There is probably no more difficult task confronting public administrators today than that of improving the efficiency of the public servants but then too there is none whose solution promises so sure returns in the form of more efficient and less costly governmental service.

BRIEF REVIEW OF CITY PLANNING IN THE UNITED STATES, 1921–1922

BY THEODORA KIMBALL

Librarian, School of Landscape Architecture, Harvard University
Hon. Librarian, American City Planning Institute

Before long it will be easier to make a list of principal cities which are laggard in city planning than to review the accomplishments of those which are active. :: :: :: :: :: :: :: ::

THERE is actually at hand recent news of city planning in various stages from nearly 150 cities and towns, and at least twenty-five have reached the point in 1922 of issuing published plan reports. Of the forty-three cities in the United States with a population of 150,000 or over, news has been received during 1922 from all but three; and of these three, only one,—San Antonio, Texas,—has not had some form of city plan report in the past. In the present annual survey,[1] many interesting items have had to be sacrificed to the exigencies of space; and no attention has been given to the important field of housing, because this subject is covered so fully and well by Mr. Lawrence Veiller in the issues of *Housing Betterment.*

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[1] Miss Kimball again contributes the annual review of city planning progress in the United States. Such reviews, begun by Mr. Charles Mulford Robinson and continued after his death by Miss Kimball, have been a feature of this magazine since its founding.

OFFICIAL SUPPORT

In the invitations to the National Conference on City Planning, at Springfield, Massachusetts, June, 1922, the secretary of the Conference reported that "every city of the metropolitan class in the United States with a population of over 300,000 has adopted city planning as a part of its official program." Two cities in this class deserve especial mention: Pittsburgh, aroused by the pioneer work of the Citizens Committee on City Plan, has put city planning on an official basis, securing continuity of effort by appointing on the official plan commission several important members of the Citizens Committee. Boston, where an able official city planning board has been active for several years on a limited appropriation, has embarked on a definite program of accomplishment. 1922 marked the centennial of Boston as a city and the advent of a new mayor who made the occasion of the centennial an opportunity publicly to announce his interest and support, and increased appropriations for city planning work.

Another mayor has made city planning a major feature of his administration. The mayor of Raleigh, North Carolina, issued early in the year a pamphlet which contained a compelling statement of the need for city planning in Raleigh, and the permissive legislation. The city has since made an appropriation for preliminary work in city planning and zoning. In contrast to the official indifference which city planning has encountered in the past, this example of executive initiative is noteworthy.

Springfield, Massachusetts, has shown its belief in the value of a city plan by liberal appropriations, and Portland, Oregon, after an interval of non-support, has again given financial backing to the plan commission. It is now, unfortunately, Cleveland's turn to feel the humiliation of having its city plan commission's work, known and quoted throughout the country, summarily suspended through lack of funds. In the case of Cleveland, harm is done not only to the work within the city but to the very promising activities of the Cleveland metropolitan planning commission, since its principal member is unable to bear its share in the joint program. Philadelphia, Pennsylvania, has proposed to give greater official impetus to its city planning program by the appointment of a city planning commission to work with the bureau of surveys, but no news has yet been received of the passage of the ordinance submitted by the mayor to the council on June first. It would be possible to cite other instructive cases of both support and non-support, but it is fair to say that the good news far outweighs the bad, and we are given reason to hope that the official gain for 1923 will be even greater than that for 1922.

PUBLIC UNDERSTANDING

The "promotion" of city planning has proceeded actively during the year, both by national and local organizations. More than ever before, real estate boards have been waking up. The fact that Secretary Hoover established a division of building and housing in the department of commerce, and appointed an advisory committee on building codes and zoning, has led to wide publicity for zoning and city planning, and the speeches of Mr. Hoover and Mr. Gries, chief of the division, in various parts of the country have served further to bring the matter home to important bodies of business men. The civic development department of the Chamber of Commerce of the United States reflects increased activity on the part of local chambers of commerce, and inquiries received by officers of the National Conference on City Planning, American Civic Association, National Housing Association, the National Municipal League, and the School of Landscape Architecture at Harvard University, show how widespread and genuine the interest in city planning has become.

Three states have large and vigorous organizations which have met during the year. The Massachusetts Federation of Planning Boards, at its meeting in November, reported fifty-three constituent official boards. The Ohio State Conference on City Planning had a successful meeting in October, one day joining with the American Society for Municipal Improvements. The Iowa Town Planning Association issues a monthly mimeographed bulletin full of live news and well-selected statements of principles.

New forms of publicity in 1922 appeared in the zoning "movie" called "Growing Pains," prepared by the American City Bureau and in the "radio debut" of the Pittsburgh Plan last February,—broadcasting the results of the school children's competition for the best essay on city planning. The *Zoning Primer*, issued by Secretary Hoover's advisory committee on zoning as a series of short releases in newspapers and then in pamphlet form, has probably been circulated more widely than any previous city planning publicity leaflet. The leaflet, "Helps in Conducting Publicity Campaigns for Zoning," preprinted from the July 1922 issue of *Landscape Architecture*, has also been widely distributed.

Chicago, Pittsburgh, and Buffalo should all be especially mentioned for their educational work in city planning during 1922.

PROGRESS IN CONSTRUCTION

The citizens of Milwaukee have recently supported a two-and-a-half-million-dollar bond issue to provide funds for the civic center and for the traffic artery being constructed through the center of the city. Progress on Boston's western artery has been made in 1922. In Utica the abandoned route of the Erie canal is being replaced by an important new street. St. Louis reports that the last two and probably the most important projects of the major street plan have been authorized. In Chicago the progress in carrying out the plan is steady. Twelve major features are under way and seventy-five more are pending. Philadelphia is pushing construction in anticipation of the Sesqui-Centennial. Cleveland in spite of present handicaps is able to report part of its thoroughfare plan materialized. Pittsburgh has an enviable record for 1922.

Visitors to Washington see some improvement of the area around the Lincoln Memorial, and the embellishment of Denver's civic center has been furthered by a generous private bequest. Buffalo, in the midst of its effective publicity campaign, taking stock of its achievements up to October, 1922, reports work under way on street plan, zoning, harbor development, terminals, and bridges. Baltimore's harbor development is also being pushed.

LEGISLATION

The quantity of zoning legislation alone would have been incredible five years ago. Although some of the zoning ordinances have undoubtedly been put through too hastily, there is nevertheless a very considerable number of a comprehensive character. The importance of properly delegated authority from the state has been brought home by the Missouri decision, threatening the St. Louis zoning ordinance. The standard state zoning enabling act, prepared by Secretary Hoover's advisory committee on zoning, should be a stimulus to wise legislation in 1923.

Laws and ordinances creating city planning and zoning commissions have increased in number and in geographical distribution. More southern cities have taken the necessary preliminary steps for city planning. An important legislative proposal now pending is the state city planning bureau for Maryland.

Of interest all over the country is the application of excess condemnation to the new Milwaukee traffic artery. Providence has also recently employed excess condemnation in the Wickenden street improvement. Flint, Michigan, passed a building line ordinance, in January, 1922, with no public protest against its passage; and Cleveland revised its original building line ordinance after a year's successful operation by a new ordinance passed December, 1921.

City planning legislation has undoubtedly derived material benefit from the two authoritative monographs issued in revised form in 1922, by the National Municipal Review, making available the legal experience of Mr. Bassett and Mr. Williams. Most important of all, however, is the appearance of Mr. Williams's long-anticipated treatise, *The Law of City Planning and Zoning* (Macmillan), just as the year closes. This is the first comprehensive American work in its field, and, indeed, surpasses in scope any foreign work. Its wealth of citations coupled with the thorough organization of subject matter and the unassailable status of its author gives the volume promise of far-reaching influence on the future of city planning law in this country.

TECHNICAL ADVANCE

An epitome of the technical advance in city planning methods will be found in *Modern City Planning* by Thomas Adams, again a supplement to the National Municipal Review, June, 1922. In technical work generally throughout the country increasing attention has been paid to regional studies, and the value of ærial survey maps in the determination of broad relations more and more appreciated.

At the two meetings of the American City Planning Institute during the year problems of technique have been thrashed over. The February meeting was devoted to a discussion of data for zoning and the November meeting took the form of a "clinic" on Welwyn, the new English Garden City. The exposition of *Regional Planning Theory*, "a reply to the British challenge," by Mr. Arthur Comey, presented at this Welwyn meeting (to be issued as a pamphlet) is one of the technical contributions of the year. Advances in clearness of thought in city planning matters were evident at the annual meeting of the National Conference on City Planning in such papers as Mr. Hubbard's *Parks and Playgrounds*, Dr. Strayer's *School Building Program*, and Mr. Turner's *Fundamentals of Transit Planning*.[2]

The most important opportunity for the development of city planning technique lies with the group of experts assembled to prepare the Sage Foundation's "Plan of New York and Its Environs." A notable series of survey maps for the New York region has already been prepared under the direction of Mr. Nelson Lewis, in charge of physical surveys.

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[2] Fourteenth Proceedings of the Conference just published.

METROPOLITAN, COUNTY, AND REGIONAL PLANNING

The "Plan of New York and Its Environs" is our greatest regional undertaking and its financing a generous endowment of the cause. The plan was launched at a meeting held by the Sage Foundation in May, 1922, with addresses by Mr. Hoover, Mr. Root, and others of national reputation. A full discussion of this great enterprise will be found in the booklet issued by the Sage Foundation at the time of the meeting.

The Pacific Coast maintains its reputation for progressiveness in the establishment of a Regional Planning Conference of Los Angeles County, which met first at Pasadena on January 21, 1922. Hennepin County, Minnesota, has secured the appointment of an official county planning commission to co-operate with Minneapolis and local authorities for the systematic development of the county. In Wisconsin the rural plan commissioners have been at work over a year.

Pittsburgh is largely responsible for the joint committee representing the official city and county planning commissions and the citizens' committee to effect a close liaison between these three planning bodies. The setback to Cleveland's metropolitan planning commission has already been mentioned, but the metropolitan park work is going forward. A regional project concerning our national capital is afoot with good promise of fulfillment, through the efforts of the city planning authorities of Baltimore and the National Commission of Fine Arts for a Maryland state bureau of city planning.

Boston, regarded as the home of metropolitan development in municipal affairs, has nevertheless lagged in co-operative city planning. Valuable reports have not been followed by action. Of more than local interest, therefore, is the report of the Boston Chamber of Commerce recommending the formation of a permanent metropolitan planning board with power to construct transportation facilities of a metropolitan class. This report was presented at the November meeting of the Massachusetts Federation of Planning Boards and there endorsed, a large number of the planning boards in the metropolitan district being present. There is reason to hope that a bill can be put through the legislature which will crown the long series of efforts to secure a powerful metropolitan agency. This report contains an excellent assemblage of information on metropolitan districts which should be of service to other regions contemplating like action.

ZONING

As last year, of all branches of city planning, zoning has been foremost in the public eye and in the press. The work of Secretary Hoover's advisory committee, already referred to, the important place given the subject in the programs of national and local societies, the popular and direct appeal of its advantages to the home-owner, have combined to advance zoning activities north, south, east and west. On December 1, 1922, there were on record in the office of the division of building and housing of the department of commerce, 87 municipalities having zoning ordinances, of which more than 60 are comprehensive in character. The number with zoning plans in progress or about to be undertaken is probably close to 150.

A brief review of *Zoning Progress in the United States*, prepared by Miss

Mary T. Voorhees (of the division of building and housing), was published in the *Engineering News Record* for September 28, 1922. At that date 75 per cent of the cities of the United States with a population of over 100,000 were zoned, or about to be zoned, and the small cities and towns far outnumbered the larger ones in zoning activity. Twenty-five states and the District of Columbia now have laws granting either all or some of their cities the right to zone. In this article, record was made only of those cities which were actually known to have passed zoning ordinances. Since that date, news has been received of the passage of nine ordinances including Memphis and Indianapolis. Of the cities which passed ordinances earlier in 1922 may be mentioned St. Paul, Wichita, Jersey City, and Hoboken, besides many smaller New Jersey municipalities, Syracuse, Richmond and Dallas (use only), Akron and Janesville. The Atlanta ordinance (Robert Whitten, consultant) has aroused wide discussion because it adds race districts to the usual classifications.

Among the zoning plans being comprehensively prepared are those for Baltimore, Philadelphia, Boston, Providence, Pittsburgh, Chicago, Grand Rapids, Detroit, Columbus, Toledo, Kansas City (Missouri), Lincoln, Seattle, and Spokane, and Springfield, Massachusetts, where an interim ordinance was recently enacted.

PLAN REPORTS

Comprehensive plan reports have been published during 1922 for East Orange, New Jersey, Springfield and Worcester, Massachusetts (all three with Technical Advisory Corporation as consultants); Fall River, Massachusetts (Arthur A. Shurtleff, town planner, John P. Fox, consultant on zoning); Memphis, Tennessee, and Lansing, Michigan (Harland Bartholomew, consultant). Preliminary reports for Kalamazoo, Michigan (Mr. Bartholomew) and Hightstown, New Jersey (Russell V. Black) have also appeared, and a series of special studies for Paterson, New Jersey (Herbert S. Swan and George W. Tuttle). Utica's Major Street Plan (Mr. Bartholomew), the Delaware River Bridge report, the St. Louis Railroad Terminals report, and the reports of and in opposition to the Port of New York Authority may also be added to the list.

The brief space allotted to this article in the NATIONAL MUNICIPAL REVIEW does not permit a more extended mention of reports of special activities. A fuller account with a bibliography of plan reports for 1921–22 will be found in *Landscape Architecture* for January, 1923, also reprinted.

Among the plans in progress might be mentioned as especially noteworthy the model town of Mariemont, near Cincinnati, designed by Mr. Nolen, and the huge Palos Verdes Project,[3] near Los Angeles, its design under the charge of Olmsted Brothers with a board of associated experts. Widely scattered cities which have reported city plans under way, or about to be undertaken, are Asheville, North Carolina, Spartanburg, South Carolina, Atlanta, Georgia, St. Petersburg, Florida, New Orleans, Louisiana, Chattanooga, Tennessee, Toledo and Cincinnati, Ohio, Duluth, Minnesota, Oklahoma City, Topeka, Kansas, Indianapolis, South Bend, and Evansville, Indiana, Troy, New York, Springfield, Illinois, Long Beach and Paso Robles, California. There are many others. Before long it will be easier to make a list of principal cities which are laggards in city planning than to review the accomplishments of those which are active.

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[3] See REVIEW, September, 1922, p. 304.

PARTIES IN NON-PARTISAN BOSTON[1]

BY DAVID STOFFER
Harvard Law School

How the Good Government Association replaced the Republican party as the antagonist of the Democratic "organization," and why parties will continue under the non-partisan ballot. :: :: :: ::

A LONG list of opprobrious adjectives has been used by writers on municipal government to describe the political situation in Boston before 1909. Yet essentially the same phenomenon characterized the government of the Hub as was to be found in other large cities: the rule of a powerful political machine with all that the term implies. The Democratic party was invincible, and its preponderance was maintained largely by the refusal of the suburban districts in the Metropolitan area to be joined to the city of Boston. It became apparent, therefore, that the only hope for better government lay in attracting to the existing Republican minority the better class of citizens who were voting the Democratic ticket, not because they believed it to stand for the best interests of the city, but on account of the prejudice created by their national political affiliations.

HOW NON-PARTISAN ELECTIONS WERE ADOPTED

Accordingly six commercial organizations and the Bar Association united in 1903 to form the Good Government Association. At the outset this body did not endorse any candidates. It merely furnished unbiased information concerning their life, education and experience, hoping thereby to influence the party leaders to make satisfactory nominations, but threatening to nominate its own candidates if the old parties persisted in supporting the objectionable office-seekers. While the work of the Association was as valuable as a mere educational force behind an inert electorate could be, it was ineffective politically before 1909. The disparity in the power of the principal parties rendered insignificant the vote which the reformers were able to sway.

Voter's league tactics having failed, another method was sought. In 1907 the administration of the government was so extremely corrupt that, largely through the efforts of the Association, a Committee of One Hundred was formed, which influenced the mayor to appoint a finance commission to investigate conditions. During a year and a half of careful work the commission issued its reports, which mercilessly criticised past administrations, and indicated the imperative need of scrapping a considerable portion of Boston's municipal machinery, as well as political traditions. It proposed a charter embodying these features: First, government by a mayor and council of nine members elected at large; second, the administration of departments by trained experts appointed by the mayor, subject to approval by the state civil service commission; third, *nomination by petition, and removal of party designations from the ballot*; fourth, a permanent finance commission "to investigate the departments and to report from time to time."

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[1] The writer desires to acknowledge his indebtedness to Mr. Geo. H. McCaffrey, Secretary of the Boston Good Government Association, and to Messrs. A. C. Hanford and W. A. I. Anglin, of the department of government at Harvard, for valuable assistance in the preparation of the thesis on which this article is based.

Naturally the political machines opposed the adoption of these recommendations. The state legislature was prevailed upon to refer two plans to the voters. Plan One (the bosses' plan) provided for nomination by party primaries and conventions, party designations on the ballots, a term of only two years for the mayor, and a council elected by wards. Plan Two was the one formulated by the finance commission. The inertia of the electorate having been temporarily overcome by the recent disclosures, the new charter (Plan Two) was adopted by a vote of 39,170 against 35,276. The slight majority of four thousand votes presaged a division of the citizens into two camps: the "Goo-goos," inspired by the halo which now surrounded the reform organization, and the "Gang," composed chiefly of the adherents of the old order.

FIRST NON-PARTISAN ELECTION

The first non-partisan election took place in 1910. In the Association's report on candidates for that year occurs this significant statement: "Contrary to a somewhat popular misapprehension, Plan Two does not involve the absence of all parties in municipal politics, *but on the contrary distinctly contemplates the organization of municipal parties.* The recently-formed Citizen's Municipal League is such a party, and the so-called Timulty-Curley combination may be fairly regarded as a somewhat indefinite move in the direction of another." The Citizen's Municipal League was in reality the substitute for the Republican minority, while the Timulty-Curley group represented the old Democrats. In the election campaign, the Association affected a non-partisan attitude, but its leanings were unmistakable. The six candidates it recommended for the city council were all taken from the nominees of the Municipal League, whereas it emphatically opposed everyone of the Timulty-Curley men. On the mayoralty candidates, its stand was unequivocal. "The real contest," the report reads, "is between Mr. Storrow and Mr. Fitzgerald; between decent government and wasteful, corrupt, and inefficient government."

After the demise of the Municipal League in 1914, the Association remained the sole defender of the principles of those opposed to the Gang. In the 1910 pamphlet it had styled the League a municipal party, and the interesting question arises whether there is any reason aside from political expediency for the insistence that the term party should not apply as well to the League's heir and successor, the Good Government Association. The test should be more substantial and logical than mere nomenclature. The activities of the Association support the conclusion that it is the political organization which the Republicans and better class of Democrats have followed in municipal elections, at least since 1914.

The first of these activities is its rôle in conjunction with the Boston Charter Association, its faithful ally, as the protector of the charter of 1909. The Democratic leaders at the time of its enactment realized that the new charter would ultimately deprive them of their power. Two of its features were particularly repugnant to the devotees of the old régime: First, the requirement that the state civil service commission approve the mayor's appointment of department heads made it almost impossible to reward their henchmen with lucrative political offices; secondly, the provision for a small council of nine elected at large threatened to disrupt the ward organizations, since it prevented the leaders from compensating their lieutenants with a term or two in the city council, and this destroyed most of the incentive for maintaining the ward machines. Consequently an attack was launched against the charter as early as 1910, and it has been continued yearly in an effort to return to the *status quo ante*. The Good Government Association, in guarding the new charter, has in effect been defending certain municipal policies, and in this sense has clearly been performing one of the functions of a municipal party.

THE DEMOCRATS VS. THE GOOD GOVERNMENT ASSOCIATION

By far the best indicators of the change in the political alignment which has occurred since 1909 are the four mayoralty elections which have been held under the new plan. The relative strength of the Democrats and Republicans before the non-partisan plan became effective stood in the ratio of about two to one. In only five of the twenty-five wards did the Republicans have a majority. Another significant fact is that while the total registered vote in Boston in 1908 was 110,656, only 70,716, or 64 per cent, voted. Forty thousand men, a number large enough to decide any election, were not sufficiently interested to exercise their franchise. It was on this body of citizens that hopes for a change in the political status rested.

In the first election under the new plan, Fitzgerald, the Irish Democratic candidate, defeated Storrow, the Protestant "decent Democrat" endorsed by the Good Government Association, by the narrow margin of 1,400 votes. Storrow would in all probability have won had not Hibbard, a Protestant Republican, also entered the contest and polled several thousand votes. Despite the outcome, however, this election did much to advance the reform movement in Boston. The baptism of the new-born charter evoked an abnormal civic interest, for about 25,000 of the 40,000 who had failed to vote in 1908 did respond at this election, and fully 20,000 of these voted for Storrow.[2]

Diverse elements were included in this number. First came those usually termed "independents"; secondly, many voters were attracted by the prospect of reform, who had previously abstained from taking part in the "filthy politics" of the city; thirdly, a large number came to Storrow's support because of the intensification of the religious division which followed the introduction of the non-partisan plan. Boston was a Democratic stronghold in national elections, and many non-Catholics had, under the old régime, voted the Democratic ticket in city elections merely by force of habit, or through a false sense of party loyalty. The spell of non-partisanship had a beneficial influence on these men, in that it freed them from the national party prejudice. But another form of prejudice—the religious—assumed greater importance under the non-partisan plan, and the non-Catholic forces gained. It is true that the political division had been roughly along Irish Democratic, Yankee Republican lines before 1909; but in the election under the new plan in 1910 it became more pronouncedly a Catholic versus Protestant issue, with one significant exception in the case of those known as the "decent Democrats," who constituted the fourth element of the twenty thousand new votes which Storrow succeeded in attracting. Most of these "decent Democrats" were Irish citizens striving to secure better government.

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[2] One of the favorite arguments of the Gang ever since, to bear out their charge that the Good Government Association is backed by certain financial interests, is that Storrow spent over $100,000 on this campaign. It is contended by the G.G.A. that Fitzgerald spent fully as much, if not more. The exact figures are not obtainable.

Has this alignment remained as established in 1910, or has the power shifted sufficiently to give one of the contending forces a distinct advantage? In 1914 the Good Government Association endorsed another of the "decent Democrats," Thomas J. Kenny, in an effort to defeat James M. Curley, one of the foremost leaders of the opposition, and a man of great influence and popularity among his co-religionists. Curley won with 43,262 votes, against 37,522 for Kenny. About 81,000 votes were cast at this election, 14,000 less than in 1910. Of this number Curley suffered a loss of about 4,000, and Kenny of about 8,000, compared with the vote of the respective sides in the Storrow-Fitzgerald contest. In other words, the figures indicate that the relative strength of the Gang and Good Government forces remained fairly constant.

In 1917 Curley was the Gang candidate for re-election, and the Goo-goo opposed to him was Peters, a Protestant Democrat; but Gallivan, another Catholic Democrat also became a contestant, and his candidacy ensured the election of Peters, just as Hibbard's interlopement in 1910 contributed to Fitzgerald's victory.

THE WOMAN'S VOTE DOES NOT ALTER THE RESULT

The 1921 election was the first in which the women voters participated, and it provides an object lesson on the woman suffrage problem, as well as on their probable influence under the nonpartisan scheme of elections. It is to their credit that the same proportion of the registered women voters cast ballots as men. Of 133,275 registered male voters, 102,704, or 78 per cent, actually voted, while 59,428 of 87,131 women, or 78 per cent, participated in the election. It may be to their discredit that the addition of this vast number to the electorate caused no change in the comparative strength of the parties. It was a reasonable expectation that the women voters would add greatly to the Good Government forces. The very name, if not the ideal, was expected to have a psychological effect. The result, however, was disappointing to the Goo-goos. Curley nosed out Murphy by the slight margin of 2,470 votes. The 60,000 women voters had apparently divided between the two principal parties without disturbing the balance to any noticeable extent.

THE RELIGIOUS ISSUE

The 1921 election was characterized also by a greater exploitation of religious prejudices. The Good-Government Association made a politic move under the existing circumstances by endorsing a "decent Democrat" who was also a Catholic. The Gang, threatened with the loss of one of its most effective weapons, proceeded in a most insidious manner to reflect on the quality of Murphy's Catholicism. It then circulated reports that Murphy was a member of the Loyal Coalition, that he was supported by the American Protestant Association, and that his affiliations in general were non-Catholic. One of the surprising features is that this campaign of misrepresentation was carried out principally by a group of women, who became known as the "poison squad." Their work was more effective in detracting votes from Murphy in favor of Curley than the candidacies of Baxter and O'Connor, who together received but 15,000 out of the 160,000 votes cast.

No more significant proof can be adduced for the persistence of the alignment as drawn in 1910 than the following tabular presentation of the results of the four elections which have been held under the new plan:

	Total Vote	*G.G.A.*		*Gang*	
1910	95,393	Storrow	45,775 = 47+%	Fitzgerald	47,177 = 49+%
1914	80,823	Kenny	37,522 = 46+%	Curley	43,262 = 53+%
1917	88,302	Peters	37,952 = 42+%	Curley & Gallivan	48,275 = 54+%
1921	162,132	Murphy	71,791 = 44+%	Curley	74,261 = 45+%

COUNCILMEN ELECTED BY MINORITY

The council elections do not lend themselves easily to detailed analysis, and may best be considered in general since 1910. During this period, the Good Government Association has endorsed 47 men, of whom 32 have been successful. In its pamphlets reporting on candidates, it has generally advised the defeat of those obviously with the Gang, whereas it has used a milder form ("we cannot recommend his election") in the case of any other candidates who were thought to be unqualified. The division is sharply drawn. Each side knows its opponents, but while the Gang has resorted to its old party methods of hurling abuse at the Goo-goos, the Association has done its work in a more dignified, systematic, and effective manner, by giving facts about the objectionable men which were formerly never exposed to the scrutiny of the voters. The latter have not, however, become enthused over this service. In the council election of December, 1921, about 31 per cent of the voters did the electing, while an even smaller percentage voted in the 1922 election. The present council is, therefore, a body elected by a minority of the voters, and this minority rule has vested control of the council in the Gang.

That this factional struggle exists, and that the parties are the two described, is borne out further by the testimony of the press and by the admission of the Association itself. The Boston *Herald* in an editorial November 1, 1920, says: "Nomination by petition and the elimination of party designations have not freed Boston from the incubus of factional politics." This statement assumes that the non-partisan plan was conceived as an instrument for the total abolition of local partisanship. It is doubtful whether the elimination of municipal political divisions is possible or even desirable. The editorial does, nevertheless, emphasize the existence of factions, suggesting that the Democratic-Republican alignment has merely been supplanted by the Gang-Good Government Association division. This may be inferred also from the following comment in the Boston *Post* on the 1920 council election: "The result of the election yesterday means that the city council will continue for another year at least *in control of the anti-Good Government Association forces*." The Boston *Herald* in its issue of December 15, 1920, speaks of the council election as follows: "Hoping for a much better showing, the Good Government Association had predicted not only the re-election of Hagen and Lane whom it had endorsed, but also Kinney, whom it had endorsed to defeat Moriarity for re-election. But when it became clear that most of the voters intended to stay away from the polls, the officials of the Association conceded long before the polls were closed, that Kinney had been defeated and Moriarity elected." This harks back to the methodology of the old party campaigns. The flavor of official predictions is still preserved.

THE G.G.A. A POLITICAL PARTY

Objectively, therefore, the Association functions like, and is regarded as, a municipal party. Subjective evidence to the same effect is found in an official pamphlet issued in December, 1920, in which the Association's membership is held to include "all those who support its work either financially or politically." If an organization participating regularly in the political campaigns of a city considers that the forty or fifty thousand who vote for its candidates are members of that organization, what can distinguish it from any political party? The executive committee places its stamp of approval on certain men, and the members of the Association ratify these choices about as implicitly as the Gang follows its leaders. This is conceded in the pamphlet referred to, which holds that "Many thousand voters habitually follow the recommendations of the Association substantially, if not wholly, and the influence of the Association, exerted mainly in this manner, has in the course of years become so well recognized that it *is generally admitted to be the most powerful single factor in municipal elections at the present time.*"

A municipal party may fairly be defined as any political organization which, independently of the state and national parties, habitually participates in local elections in support of certain candidates, principles, or policies. The Good Government Association fulfills all the essential conditions. Moreover, as the aggressor in Boston elections since 1910, it has compelled the "antis" to rise to its own level. Since the "Gang" has been forced to act independently of the state party in local elections, to depend on its own men and their own principles, and to stand in opposition to the reformers, it also meets the requirements of a municipal party.

It may be objected that the power of nomination is the principal characteristic of parties. The answer is that both the Gang and the Good Government Association do in effect have this power. Nomination is nothing more than a method of selection, and its substitute under the non-partisan plan is the party "endorsement." Suppose, for example, that after the preliminary elimination of aspiring candidates because of defects in their records, the Association still has more office seekers than the number of offices to be filled. There is little doubt that it would endorse those who promised to make the most effective popular appeal. This process is to all intents and purposes little distinguishable from the method of selection by a nominating committee and party primary. Nominations under the partisan plan was a means of concentrating the party vote behind those candidates who could attract the largest vote; endorsement under the non-partisan plan accomplishes the same result. The council elections from 1910 to date, which are summarized in the following table, are quite convincing on this point:

Total number elected to the council (1910-1922)		50
Number of these endorsed by the G.G.A.	32	
Number of these endorsed by the "Gang"	15	
Number of these who ran independently	3	
		—50

LOCAL PARTIES AND LOCAL ISSUES

Boston's experience suggests several conclusions as to the non-partisan municipal plan. (1) The separation of local from state and national elections requires a group effectively organized for the purpose. (2) The very nature of its work compels such an organization to adopt tactics which stamp it as a party, even though it assumes the name Good Government Association or Municipal League. (3) The loosening of the bonds of national political affiliations tends to effect a realignment of the voters on the basis of racial, religious and class differences, since men whose interests are similar or who are otherwise bound by close ties tend to gravitate together. A survey by correspondence of thirty other non-partisan cities has reinforced the observations drawn from the writer's personal study of Boston.

The problem which engrossed the student of municipal government at the inception of the non-partisan scheme was that of administrative inefficiency, which was so intimately connected with machine politics. Non-partisan elections, although they have failed to eliminate parties, have contributed towards a higher type of official and an improved administration. But these benefits have been purchased at a heavy cost: an intensification of the racial and religious question. It is submitted that from the point of view of the principles of democratic government this is a decidedly more serious problem than that of maladministration of municipal affairs. No more subversive force threatens our institutions than the shrouded form with masked face, the incarnation of racial and religious hatred as a principle of political action.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Tastes and Odors in Public Water Supplies.—Unusual and unpleasant tastes and odors in public water supplies which otherwise are entirely suitable for domestic use are of not infrequent occurrence. The causes of these manifestations are in general well known to water supply engineers, together with ways of combating them, but there is need for an explanation of these causes and their significance to the public. The reasons for this are simple to understand. People have been taught that unsuitable water supply is a potential carrier of diseases and any sudden change in the physical characteristics of water supply is apt to cause distrust in the quality of that supply.

An unusual example of this character was disclosed by the experience of the city of Danville, Illinois, during the winter of 1921. The water in reservoirs supplying that city reached a low level in the late fall of 1920 and unpleasant tastes and odors developed. At the request of the local health officer, who was led to believe that the water was dangerous because of the taste and odor, the state department of health was requested to investigate. The investigation demonstrated that the water was safe for domestic use, although it had taste and odor. However, the school authorities of the city took somewhat hasty action and cut off temporarily the local supply from the schools. In one school the drinking fountain was cut off and a barrel of water provided for the school children. This water was obtained from a shallow dug well located only about fifteen feet from a privy and open to probable contamination from that source. Fortunately, this condition was discovered before any serious illness developed as a result of the use of water from this source of supply.

Emphasis should be placed on the fact that taste and odor do not necessarily represent unsuitable quality of water. It is true that the physiological effect of such characteristics is sometimes bad on certain people and may tend to lower their general physical condition. A greater hazard perhaps lies in the unintelligent distrust of water supply having such characteristics and the resort to other supplies of questionable safety. Without going into the technique of the subject, attention is called to the fact that tastes and odors in water supply are generally due to one of two causes. These are: first, the presence of micro-organisms in the supply, and, second, the effect of free chlorine or hypo-chlorite used for purification in order to safeguard the quality of the water.

Micro-organisms may and frequently do occur in stored water supply, even when of the best quality.

An unusual example of this character occurred during the fall of 1921 in the Catskill water supply of New York City. The presence of a micro-organism, Synura, in that supply imparted to it a very pronounced taste, described as resembling that of a ripe cucumber. Its presence was not discovered in time to enable suitable treatment of that supply until it had been used by the public for a few days. There was nothing sinister in the presence of this micro-organism and an increase in the amount of chlorine given the water, together with treatment of copper sulphate, corrected this condition in a very short time.

◆

Safeguarding the Use of Steam Boilers—They May Be More Dangerous Than Dynamite.—Further progress in the reduction of explosion hazard incidental to the operation of steam boilers should result from the adoption of the proposed amendments to the so-called Boiler Code of the American Society of Mechanical Engineers which were recommended by that Society at its annual meeting recently held in New York City. The Code comprises standard specifications for the construction of both high and low pressure steam boilers, together with hot water heating systems, and rules governing the operation of these types of plant equipment. In 1915 it was recommended in practically its present form to the council of The American Society of Mechanical Engineers by a committee of prominent engineers after a comprehensive study of the problem extending over a period of four years. Since that time the essential provisions of the Code have been incorporated in the laws of seventeen states and ten cities in the United States. Since the adoption of the Boiler Code, records show that those states and cities have been singularly free from fatal accidents due to boiler explosions. It is also stated that as a result of the adoption of similar legislation by the German government before the war, accidents of this character were reduced to but five or six a year throughout the entire empire.

It is believed that the public at large does not appreciate adequately the hazard that exists from unregulated boiler construction and operation. Mr. John A. Stevens, chairman of the boiler code committee of the American Society of Mechanical Engineers, states that steam not properly controlled is more dangerous than dynamite. Another authority, Professor R. H. Thurston, in comparing the energy of water and of steam in the steam boiler with that of gunpowder states that a cubic foot of heated water under a pressure of 60 or 70 pounds per square inch, the latter being the ordinary pressure of heating plants, has about the same energy as one pound of gunpowder. The energy stored up in the ordinary boiler of this type under the conditions noted, if released through accident, would be sufficient to project the boiler to a height of over 5,000 feet with an initial velocity of approximately 588 feet per second. The location of a powder magazine beneath a school or large office building or under the sidewalk of an important street would produce a storm of protest from the citizens of any community, and if unusual conditions demanded the continuance of such a hazard in their midst, the most stringent regulation and other precautionary measures would be demanded by the public in order to protect the community.

At the same time there are to-day many communities in which the laws of the city and state governing the construction and operation of both steam and hot water boiler plants are of the most lax and ineffective character. That the hazard incurred as the result of these conditions is a serious one is demonstrated by the number of boiler explositions that occur each year. It is estimated that this equals about 1,500 annually. The loss of life from these causes ranges from four to five hundred annually, the number of people injured reaches approximately double those amounts, while the property loss amounts to hundreds of thousands of dollars each year.

It is moreover an established fact that all boiler explosions are preventable. Good design, good construction, and good management may be said to be the three main requirements of safe boiler operation. Of these three, good management is equal in importance with the first two requirements, and an essential feature of good management is regular effective inspection. The Boiler Code of the American Society of Mechanical Engineers not alone definitizes the requirements to be met to ensure suitable design and construction, but also points the way to securing effective management.

It may be said without qualification that if the provisions of the existing Code were uniformly adopted and enforced the hazard from boiler explosions would be in the main eliminated.

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Public Improvement Construction Work by Department Forces vs. U. S. Contract System.—Sound arguments against any general practice of conducting public improvement construction work by department forces rather than by contract are presented by Mr. William C. Connell, consulting engineer, in a report based on a study of the administration of the Pennsylvania state highway department, made by Mr. Connell for Governor-Elect Gifford Pinchot of that state. While obviously the conclusions arrived at with regard to this practice are directed particularly to the administration of state highway construction work, the principles enunciated apply equally well to all classes of public improvement construction work whether conducted by the state or any municipality. Mr. Connell's discussion of this matter appeared in connection with his consideration of the administration of a special bureau established during 1920 for the purpose of carrying on highway construction work with state forces. His comments on the subject in question are substantially as follows:

"The bureau was organized with a view to training an organization that would take over the work on which the contractors might fail, due to financial difficulties or other reasons, and to perform work where it was felt that competitive bids were too high.

"The first reason would have some merit if it were not for the fact that the maintenance division of the state highway department, through the nature of its work, is necessarily called upon to do so much work with its own forces that these forces could not be readily used to finish the work where contractors failed to complete their contract.

"The second reason is very questionable, as it is hard to conceive of an organization employed by a state department, confronted with the red tape and difficulties surrounding public departments, performing work more cheaply than it can be performed under competitive bids, provided complete information concerning the work to be performed is supplied to bidders.

"There will always be instances where the bids are too high, but the work can be readvertised. There may be isolated instances where department forces will do work of this nature cheaper than under a competitive basis, but when all the factors entering into the cost have been given proper consideration the competitive system taken year in and year out will be less costly for this character of work. Construction work by state forces to the extent it is being done in Pennsylvania to-day is establishing a dangerous precedent. Even though they may be doing the work economically and efficiently, it can be readily understood how it could be abused under a purely political or inefficient administration of the state highway department, such as states have from time to time.

"With our present form of government the method of performing work under the jurisdiction of a public works department should be designed to safeguard the public interests best throughout changing administrations. It is, therefore, a much wiser and safer policy to devote all possible energy to the development of healthy competition of competent contracting forces in public work. . . .

"It may be desirable to do some construction work with state forces, but it should be confined to small jobs of a nature that are not easily specifiable, or can be more readily handled by the state forces than under competitive bids. In short it is inadvisable for the state to go into the construction business to any greater extent than is necessary. The controlling factor should be the character of the work. All work that is not easily specifiable and subject to proper control under contracts may be performed by state forces. But all work that is specifiable, and of a definite nature so that bids can be received on predetermined quantities and the work properly inspected, should be done so far as is possible under competitive bids."

✣

Weakness of Special Assessment Bonds in State of Washington.—Inadequate protection of the holders of local improvement bonds apparently constitutes a serious defect in the laws of the state of Washington governing the financing of local improvements. Weaknesses of this character are particularly in evidence in the law under which improvement bonds are issued, known as the Local Improvement Law. Article 13 of that law provides for the establishment by a city council of improvement districts within a municipality for the purpose of carrying out street, sewer, or other local improvements and distributing their cost over the property within the district deemed to be benefited.

Upon completion of any such improvement, the property owners may, within 30 days, elect to pay cash for the assessment levelled against their property, or the city can issue bonds for the total cost involved. The law provides that such bonds shall constitute a lien against the property benefited. The council, at the time of passing the ordinance establishing assessment districts, must stipulate the term of the bonds. Ordinarily, the bonds issued are twelve-year serials. In any event the property owner is required to pay his assessment, which includes interest charges, by installments so that the last installment will be paid two years before the bonds mature. Thus, for twelve-year bonds the property owner pays each year one-tenth of the principle and interest comprising the entire cost of the improvement. This gives time for the adjustment of delinquencies in payment before the maturity of the bonds.

This policy representing as it does a means of providing for the retirement of a certain amount of bonds each year would appear to be entirely sound were it not for certain weaknesses in the law. The latter relate to protection of the bondholder in the event of delinquency on the part of the property owners in the matter of paying assessments levied. Naturally the liquidation of bonds as they mature depends upon funds collected from the special assessment liens on property benefited. The first application on these funds is for interest charges and if property owners fail to pay their assessments on time, it will be necessary either to provide funds for retiring the bonds from other sources or else default in making bond payments. There is, of course, always recourse to foreclosure sales either by the county or the municipality. This practice entails considerable delay and does not always ensure securing adequate funds to meet the complete payment of bond indebtedness. Moreover, while under the provisions of the

Local Improvement District Law the city may foreclose for the unpaid assessments, there is no law to compel the city government to do this.

It is true that cities with twenty thousand population or over are permitted by an act of the 1917 legislature to create either a "Local Improvement Guarantee Fund" or Revolving Fund maintained by general tax levy for the purpose of taking care of bond delinquencies. Even this protection to the purchaser of bonds is not made mandatory on the part of the city. In Spokane a revolving fund was established and later discontinued by the following city administration, thus removing an element of protection that the purchaser of any bonds issued during the first administration might have been led to believe that he had. Apparently there are sound grounds for modifying the present Local Improvement District Law so as to provide additional protection to the purchasers of improvement bonds.

It is stated that practically every city in the state of Washington, with the exception of Seattle, has improvement bonds in default. In spite of this fact, the statement is made that there is a ready market for municipal bonds of that state. However, the rate of interest on municipal bonds is said to range as high in some cases as 8 per cent and to prevail at about 6 per cent. This would indicate that these bonds were not regarded as particularly desirable investments from the banking point of view as would otherwise appear. Cities whose credit is unquestioned in other states ordinarily find a ready sale of their bonds at much lower rates of interest than prevail in Washington. Whether these conditions can be attributed with justice to the above weaknesses in the assessment bond law of Washington is problematical. It should, however, be noted that anything that tends to affect harmfully the city's credit whether evidenced by a demand for higher rates of interest on its bonds than are required elsewhere, or in other ways, is undesirable and should be avoided.

✤

Control of Traffic Movement on Important City Streets.—Synchronized movement of vehicular traffic by means of a system of signal lights operated from towers has been tried with success on certain important streets in some of the larger cities of this country. In fact the control over traffic on Fifth Avenue, New York, which has been effected by this means has proven so satisfactory that the original signal towers have been replaced by more permanent and ornamental ones and an extension of the system is planned for other thoroughfares in Manhattan. It is interesting to note, however, that the proposal for the extension of the system dispenses with the signal towers in the middle of the street. The reasons for this modification of the present arrangement as outlined by Hon. Julius Miller, president of the borough of Manhattan, apply not only to the local situation but also to practically every community contemplating the installation of a traffic control system of this character. Mr. Miller points out that any obstruction within the highway is an impediment to free movement of traffic and should be avoided where intensity of traffic is very great. Obviously, signal towers cannot be located on any street or avenue which has an elevated railroad structure or surface tracks.

In order to operate a system of this kind on avenues or streets where such conditions exist, signal lamps would have to be supported by some other structure. The logical place for the signals is on lamp-posts at street intersections preferably suspended from an arm extending diagonally into the street intersection. An arrangement of this kind would make such lights visible for a considerable distance from both intersecting streets. One such light at each intersection would flash the signal to all traffic on any avenue or street and on account of their proximity there would be less obstruction to their visibility in foggy weather or from any other cause.

The cost of installation of a system of this kind would also be materially less than that where signal towers are used. Also the cost of operating the system would also be materially reduced as two men at a single point could control lights operating over a very extensive area. This would release traffic officers located in towers for service in controlling pedestrian traffic at important intersections which is admittedly a necessary service.

RECENT BOOKS REVIEWED

County and Township Government in the United States. By Kirk H. Porter, Assistant Professor of Political Science, University of Iowa. Macmillan, 1922. Pp. 362.

This valuable volume gives us the first textbook on county government, replacing the pioneer book of H. S. Gilbertson, which broke ground in this subject in 1917. Gilbertson's book had to be privately printed because of lack of interest in the theme, and the fact that Mr. Porter was able to get a regular publisher to handle his manuscript is in itself a mark of progress. The library of county government literature now numbers three volumes and a half, Fairlie and Maxey being the other authors, but as this book makes Gilbertson's almost unnecessary by overlapping it rather completely, it is a substitution rather than an addition.

Professor Porter omits the attack on county government as a rotten and dangerous neglected political institution which was Gilbertson's message and which still is the main burden of the reformer in this field, but he does, in milder phrase, speak well of orthodox and sweeping reforms even if he does not dwell upon the necessity for any reform at all.

Starting historically, he describes the current variations of county government in the various groups of states, shows the inherent weaknesses and anachronisms of the framework and freely recommends the full list of reforms which we of the National Municipal League are urging, such as:

- District attorneys to be made subject to an appointive attorney-general of the state.
- Sheriffs as peace officers to give way to state police.
- Public defenders to replace assigned council.
- State administrative oversight of county finances.
- Short ballot—county clerk, treasurer, assessor, etc., to be made appointive under the county board.
- County the unit for education outside of cities, for highways, health, care of dependents, assessments, etc.
- Reduction of powers of townships and other small units.
- Abolition of coroners.
- County manager (although he did not apparently have quite the nerve to picture this radical feature in his diagram of a revised government).

As he neglects to do more than gently deplore the present state of county government without picturing its badness, so also he refrains from substantiating the need for his specific proposals of reform. Moderation is fashionable in textbooks, but Professor Porter takes refuge so uniformly in true but unsupported generalities that he neglects to prove his case. And to have brought new and later evidence to support Gilbertson's demand for county government reform and to have adduced new documents in advocacy of the specific proposals of reconstruction would have been helpful to the cause and not unwelcome in the classroom.

Richard S. Childs.

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Taxation of Federal, State and Municipal Bonds. By John H. Hoffman and David M. Wood. New York: Wilbur and Hastings. Pp. 115.

Though this little book is prepared for investors and dealers in federal, state and municipal bonds, the presentation which it gives of the present federal and state laws and decisions on the subject of the taxation of bonds raises a great many questions of current interest. The book itself is divided into two approximately equal parts: the first deals with the general rules of law with regard to the taxing power, taxation of federal bonds, taxation of state and municipal bonds, exemption of state and municipal bonds, contracts for exemption, income taxes, taxation of bonds of non-residents, inheritance taxes, franchise and privilege taxes, and taxation of corporate stock. Not more than a few pages each are devoted to these topics. The entire definition of the taxing power both of the federal government and of the state governments, and of the limitations of the taxing power are disposed of in three introductory pages. The second part of the book is arranged alphabetically by states and territories. Under each state or territory the provisions of law with regard to the exemption or taxation of bonds, with citations of law and of decisions, are presented in outline form under the following five topics:

1. Bonds of the United States and territories
2. Bonds of the state
3. Bonds of subdivisions of the state
4. Bonds of other states and subdivisions
5. State income tax provisions

The book shows signs of careful preparation and is well annotated with extensive footnotes. The table of contents, table of cases, and the index which is very full for so brief a volume, are an object lesson to those who are engaged in preparing books to be of use to others than the author.

The student of taxation will naturally be disappointed in finding no discussion at all of the larger economic and political problems involved in the tax exemption of federal, state and municipal bonds. In spite of the nation-wide agitation for the abolition of tax exemption for all public bonds, there is in this volume no echo of the general discussion. The volume is intended by the authors to present a concise exposition of the law of taxation and an analysis of the tax laws rather than a treatise on the broader problems involved. This task has been well done.

LUTHER GULICK.

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ELECTRICAL RATES. By G. P. Watkins, Ph.D. Baltimore: The Lord Baltimore Press, 1921.

Dr. Watkins' discussion of modern theory and practice with respect to rates charged for electricity for power and lighting purposes is presented to the country at a time when this particular field is in need of a great deal of sound enlightenment. His *Electrical Rates* is an outgrowth of nine years of experience in the statistical bureau of a public service commission.

In the light of the very recent decision of the Wisconsin commission in the Chippewa Power Company case, where a court decision was set aside and the municipalities nearest the source of energy were given preference in rates, and because of the increasing number of rate litigation cases, it is evident that the subject of differentiation in electrical rates is at present a much mooted question of public policy and of vital importance in our modern economic structure.

Introducing this subject from the standpoint of interest and importance, Dr. Watkins sketches briefly the types of load curves common to various kinds of service corporations, and indicates in what respects these load curves have changed since the early days of small isolated plants supplying strictly lighting loads, to modern light and power systems with their numerous and complicated problems.

His discussion then takes up in detail every phase of differential rate making in vogue and in discard, with opinions as to the value and limitations of each. He concluded with a description of the general theory of differential rates, noting the occasions for price differences and stating the significance of rate analyses from a legal and a political standpoint as well as the economic.

Dr. Watkins proposes a schedule of fair electrical rates for power and light which could be used under certain operating conditions, but he does not attempt to determine equitable returns on investments in electric manufacturing companies. His discussion practically limits itself to differentiation.

From the standpoint of municipal versus private ownership of public utilities, the discussion is of such a nature that the facts presented will apply equally well to rate making under either condition. Dr. Watkins' attitude in this respect is that of the impartial student who wishes to disclose the facts and study every angle of the situation from its intrinsic merits.

Electrical Rates may perhaps be very well adapted as a text-book for engineering or accounting classes in college work. However, the great value of the material found in the discussion, coupled with the evident care used in the presentation of the subject, would seem to indicate that operators, owners, and regulatory commissions will be the chief beneficiaries.

HAROLD S. LANGLAND.

⁂

THE SMOKELESS CITY. By E. D. Simon, Lord Mayor of Manchester (England), and Marion Fitzgerald, Associate of the Royal Sanitary Institute. New York and London, 1922: Longmans Green & Co. Pp. 82.

Here is a little book of importance out of all proportion to its size. It deals with the smoke problem wholly in its relation to the domestic use of bituminous coal. As Lord Newton says in his introduction, "The battle . . . against industrial smoke may be said to have been won in principle," and this is a fact in the United States as much as in the United Kingdom. But the coal strike has made smokeless anthracite all but impossible in the United States for most houses and kitchens, wherefore we are facing more and worse atmospheric pollution.

Mr. Simon and Miss Fitzgerald have addressed themselves in gratifying detail to the problem, and in this work propose methods which if carried out would make possible approximately smokeless use of the coal which must come to be our main resource for home heating and cooking in America. Stress is laid on the use of coke, of gas, of electricity, and the firing methods detailed where "soft" coal must be used are parallel with those laid before the 1921 Convention of the American Civic Association in Chicago by an able official of the Bureau of Mines.

This English work is commended as constructive, timely and valuable.

J. HORACE MCFARLAND.

⁂

THE WOMEN'S DAY COURT OF MANHATTAN AND THE BRONX. A reprint from *The Journal of Social Hygiene* for October, 1922, published by the American Social Hygiene Association, 370 Seventh Avenue.[1]

This is the fourth of a series of studies by George E. Worthington of the American Social Hygiene Association, and Miss Ruth Topping of the Bureau of Social Hygiene, of specialized courts dealing with sex delinquency. The preceding studies were of the Morals Court of Chicago, the misdemeanants' division of the Philadelphia Municipal Court and the Second Session of the Municipal Court of the City of Boston.

The fifth section will present a comparative study of the four courts. This will probably prove to be the most valuable to the general reader, for the detail studies of the individual courts, of the laws which they enforce and of their procedure and the results obtained, are presented in too much detail to interest the general reader while comparison is practically impossible except to those thoroughly familiar with any one of the four.

Of the Women's Court of New York the writers say it "is the first court in the United States to be established as a special court dealing with women delinquents. There is doubtless no other court in this country to-day which is so highly specialized along the lines of sex delinquency." The most striking of the laws, with the enforcement of which this court deals, was adopted in 1915. It declares to be a vagrant a person who *offers* to commit prostitution or who receives any person into any place, or conveyance, for the purpose of prostitution or assignation. The court also reaches the younger offender, not as yet guilty of such acts, under an Incorrigible Statute, which provides that a female found associating with vicious and dissolute persons or prostitutes and so in danger of becoming morally depraved, may be committed to a reformatory institution.

The sessions of the court are from ten-thirty in the morning to five in the afternoon. The change from night sessions, which were originally held, was made in 1918. The magistrates who are appointed by the mayor, are especially assigned to preside in the Women's Court by the chief city magistrate.

The complaining witnesses are with rare exceptions police officers attached to vice squads. Full stenographic minutes are taken by an official stenographer. Defendants may be released upon bail, pending trial in an average amount of $500. Failure to appear personally results in the forfeiture of the whole amount of this bail, which, as special care is taken in its acceptance, results in its full recovery by the state. If convicted, the prisoner is remanded 48 hours for finger printing and physical examination, and, in case she is found to be without record of previous conviction, she is sent to a special hospital, to be detained by the board of health until no longer suffering in a communicable stage, whereupon she is returned to the court for sentence. If found to be without disease and to have shown a willingness to accept supervision, she is placed upon probation. The cases of those returned from the hospital are treated as though the examination following conviction had resulted in a report of not diseased.

Those found to be diseased and with a record of prior convictions are committed to the workhouse for a period of 100 days, during which they are treated in the hospital attached to that institution. Those placed upon probation are supervised by the probation officer in charge and her four assistants, who receive valuable assistance from the representatives of various volunteer agencies who supplement the work of the official officers, not only during the probation period but in after-care.

Those with records of three or more prior convictions may be committed under an Indeterminate Sentence Law, whereby the maximum period of detention may be two years, the actual detention being determined by a commission created by the law. It is customary for this commission to detain such persons for six months, after which they are released upon parole for the remainder of the two years.

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[1] It is expected that the Studies will be combined and reissued as a volume of the Bureau of Social Hygiene Series.

In addition, the magistrate may commit to three reformatory institutions maintained under private auspices, or to the State Reformatory for Women at Bedford Hills, in which case the period of detention within the maximum of two and three years is determined by the institution authorities.

The importance of the finger print record in determining these dispositions is worthy of special note. Without them, the magistrates would be seriously handicapped and the effectiveness of the court greatly decreased. Appeals from the decision of the magistrate are heard in the appellate court upon the stenographic record, the case not being tried *de novo*.

Mr. Worthington and Miss Topping make no mention in their study of the plans and endeavors of those associated with the courts for improvements. These for the New York court are briefly: a special building to house the court and to constitute a house of detention for those awaiting trial not released upon bail, or detained for examination pending the sentence: also the assignment of psychiatrist for the mental examination of those who give indications of abnormality. Two amendments of existing laws are being advocated: a widening of the provisions dealing with incorrigible girls, to make less difficult their arraignment in the court, and the apprehension and punishment of the male customer of the prostitute; it not being finally determined, as yet, whether or not the existing law is sufficient. Mr. Worthington sets forth at some length in the study the facts and argument in the case which at present is accepted as controlling.

FREDERICK H. WHITIN.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Missouri Constitutional Convention adjourned December 15 until April 15, to avoid conflict with the state legislature now meeting.

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P. R. Unconstitutional in California.—The supreme court of California has denied a rehearing on the constitutionality of the proportional representation feature of the Sacramento charter. This in effect affirms the decision of the appellate court (reported in the December Review) declaring P. R. unconstitutional in California.

◆

Correction in Comparative Tax Rate Published in December Review.—In fairness to Boston we wish to make the following correction: Owing to the tax rate data furnished by Boston being misinterpreted by the Detroit Bureau of Governmental Research in its compilation published in the December Review, Boston's tax rate was erroneously reported. Boston's tax rate should read $12.33 and total tax rate $24.70. Her rank as adjusted should be 13th instead of 2d.

◆

Salary Scale Adjusted to Change in Living Costs.—The new salary ordinance of St. Paul, Minnesota, provides for the adjustment of salaries to the rise and fall in the cost of living.

The classification consists of seventeen grades of service. A basic rate for 1916 is set, upon which all increases or decreases are founded. The cost of living index figures of the National Industrial Conference are used.

◆

Graft Charged to Knoxville Commission—City Manager Proposed.—The city commissioners of Knoxville, Tennessee, are defendants in a taxpayer's suit charging malfeasance in paying to a construction company high prices for street work for which no real bids were taken. The complaint prays that further payments on account of such work be enjoined and that the commissioners and their bondsmen make good for excessive funds already advanced. Other suits will be filed later.

Dissatisfaction with commission government has been general for some time. A new charter bill is being drafted providing for a city manager.

◆

Efforts Renewed to Amend Boston Charter.—The election for councilmen of Boston on December 12, in which only about 30 per cent of the registered voters participated, has given a new impetus to changing the charter. The principal objectives seem to be a return to a large council elected by wards and the abandonment of non-partisan elections in favor of party tickets. On the other hand a militant group are putting forward proportional representation for the election of the council.

Bills are being prepared to change Boston's charter, the original small council charter in the United States, but it is yet too early to know how public sentiment will crystallize.

◆

The I. and R. in Missouri.—As already noted in these pages, practically the whole legislative program put through the 1921 legislature by the Republican majority, including the governor's bills reorganizing the state administrative system, was defeated by approximately a 2 to 1 vote at a referendum election last November. These bills were loudly opposed by the Democratic party, which, officially or unofficially, circulated petitions throughout the state sufficient to place them on the ballot.

This partisan use of the referendum (heretofore organized parties have refrained from instigating and executing referenda campaigns) has resulted in strong opposition to both the initiative and referendum with the demand that they be abolished. In response to this sentiment, the Missouri constitutional convention has more than doubled the percentage of signatures required to invoke the I. and R. Should this be adopted, their abolition will be virtually accomplished.

◆

The Gasoline Curb Station Dispute.—Is the familiar curb station to be banned as an æsthetic atrocity and a traffic menace, or does its obvious convenience to motorists justify its existence?

Data assembled by the *Toledo City Journal* show that curb pumps have been forbidden in New York, Rochester, Washington, Columbus, Baltimore, St. Louis, Yonkers, Denver, Wichita, and Cambridge, Massachusetts. Akron, Minneapolis, and Paterson, New Jersey, permit existing pumps only. Omaha, Milwaukee, Atlanta, and Evanston, Illinois, prohibit them in residence districts by means of zoning ordinances. St. Paul prohibits them on car lines and Minneapolis in fire limit districts.

The drive-in station has also come in for some proper regulation. The right of adjoining property owners to determine the desirability of such stations has been recognized in Washington, D. C., and Oak Park, Illinois. There is a growing sentiment in favor of requiring drive-in stations to be of pleasing architectural design.

If the curb pump is abandoned more attention will have to be given to the fire menace attending the storage and handling of gasoline in garages.

✣

An Unusual Inaugural Message.—The inaugural message of the newly-elected mayor of Camden, New Jersey, Mr. Victor King, is unusual in the number of unpleasant facts which it discloses. Although Camden has not indulged in luxuries which in many other cities are now considered necessities, she is more heavily in debt than any other large city in the state. The seemingly low tax rate is offset by the exorbitant water rate. The huge sums turned over by the water department to the general fund are said to constitute municipal profiteering on a large scale.

The mayor also finds that the administrative departments carry too heavy pay rolls; that asphalt and street lighting cost more than in other cities, but that welfare appropriations are small although the infant mortality rate is high. If Camden didn't have so many special boards and secretaries, says the mayor, it could afford municipal band concerts. At present each department handles its own purchasing.

The mayor wants the police taken out of politics (on election day the city was left practically unprotected while the police did political work at the polls). He favors a city plan, a zoning ordinance and a new building code.

Our information is that the majority in council represent Camden contented and that the mayor has outlined a heroic task for the next three years.

Budget System Brings Good Results in Virginia.—In an address before the Governors' Conference at White Sulphur Springs in December, Governor Trinkle of Virginia paid high tribute to the operation of the executive budget system first employed in that state in 1920. Although the legislature can increase the governor's budget at will, the net changes in the final appropriation bill for 1920 was only 1.6 per cent over the budget estimates, and in 1922 less than one per cent. Approximately 98 per cent of all moneys appropriated were contained in the general appropriation bill.

In 1922 a system of operating control was established by means of a monthly reporting system for state institutions and departments. On the basis of these reports a study of unit or per capita costs for state institutions has been started. Even the value of supplies produced and consumed by the institutions, appraised in accordance with a uniform price list for all institutions, is included in the estimates of unit costs. Institutions which heretofore have always required deficiency appropriations will come through with substantial surpluses. Maj. Leroy Hodges, well known to readers of the Review, is director of the budget under Governor Trinkle.

✣

New York City to Spend One and One Half Tons of Gold Per Day.—New York city will spend $353,350,976 during 1923, or $968,084.86 per day. If the amount used each day were converted into pure gold it would weight 2,927 pounds or approximately one and one half tons.

The principal items in the budget are: Debt service, which is $84,935,642, or 24.03 per cent of the total budget and $15.10 per inhabitant of New York city; the department of education, which is $75,805,355, or 21.45 per cent of the total budget and $13.48 per inhabitant; and the police department, which is $32,042,223, or is 9.07 per cent of the total budget and $5.70 per inhabitant. The total per capita cost will be $62.86. In 1912 the total per capita cost was $34.37. Thus the 1923 budget shows a per capita increase of $28.49, or 83 per cent over the 1912 budget.

The appropriations for governmental functions other than debt service and state taxes have increased more than would be apparent on a casual examination of the budget because of the considerable reductions in these two items. The city debt service appropriation for 1923 is $17,302,150 below 1922 figures and the state taxes are $1,834,889.57 below 1922. Had it not been for the reduction in these two items the 1923 budget would be much larger than it is now.

The following table contains a summary of the budget with the various items summed up according to function. This table cannot be taken as absolutely accurate because of the overlapping nature of some of the items, yet it does show the distribution of funds, among the various governmental functions, with comparative accuracy:

COST OF NEW YORK CITY GOVERNMENT FOR 1923

	Departmental Total	*Percentage of Total Budget*	*Per Capita Cost*
General Administration	$47,042,747	13.30%	$8.39
Legislative (Board of aldermen and city clerk)	423,212	.12	.08
Judicial	3,718,523	1.06	.66
Educational	79,823,829	22.60	14.19
Recreation, Science and Art			
Parks, Parkways and Drives	4,075,293	1.17	.73
Zoölogical and Botanical Gardens, Museums, etc.	1,953,368	.56	.34
Health and Sanitation	34,068,110	9.66	6.08
Protection of Life and Property	71,833,626	20.32	12.76
Retirement and Relief Funds	7,104,127	2.01	1.26
Miscellaneous	1,506,188	.42	.27
Debt Service	84,935,642	24.03	15.10
State and County Tax	23,178,459	6.54	4.12
Total	359,663,124	101.79	63.98
Less Revenue from Corporate Stock	6,312,148	1.79	1.12
Total New York City Budget	$353,350,976	100.00%	$62.86

JAMES B. ILER.

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Proposed Illinois Constitution Defeated.—The work of the Illinois constitutional convention, covering a period of two years and submitted as a complete document to the people on December 12, was overwhelmingly defeated. The majority is reported to have been more than 700,000, of which nearly five-sevenths came from Cook county. There are many opinions as to why the people so rapturously turned down the new document. Opposition seems to have centered around two provisions, the one authorizing a state income tax and the other limiting the representation of Cook county (Chicago) in the senate to one third of the membership.

The income tax provision was nothing radical inasmuch as authority already exists under the present constitution for the enactment of such a tax. The proposed constitution merely gave authority to make personal exemptions and to levy graduated taxes. Opponents of the convention persuaded large numbers of people that the purpose was to place a heavy tax on all modest incomes and proponents of the plan were unable to counteract this impression.

Although Chicago receives proportionate representation in the lower house of the state legislature her representation was, by the new document, strictly limited in the senate. The question of Chicago's representation was a bone of contention in the convention and the resentment against such limitation was extremely deep in Chicago.

Further opposition developed from the rephrasing of certain sections in the present constitution to clarify and modernize them. The people were suspicious, however, that the new phrases contained hidden meanings, else they would have been retained as before. Furthermore, a section guaranteeing representative government, while probably meaningless, was interpreted to prohibit forever the initiative and referendum, and as such was opposed.

Among other reasons for the defeat of the constitution must be included the fact that it was submitted as one document, so that the excellent provisions had to bear the burden of the poor ones, and the low prestige of the convention which had consumed two years in, what seemed to be, useless wrangling.

*

Municipal Home Rule Approved in Pennsylvania.—At the November election Pennsylvania voters ratified the Municipal Home Rule amendment to the constitution by a majority of 132,490. Although the amendment carried only 33 counties out of 67, it was approved by counties containing 70 per cent of the state's population.

The amendment adopted is permissive and, like the home rule amendments in Michigan, Minnesota and Texas, requires legislative action to make it effective. It authorizes the legislature to empower cities or cities of a class to frame their own charters, subject to such restrictions, limitations and regulations as may be imposed by the legislature. Laws also may be enacted affecting the organization and government of cities *and boroughs*, which shall become effective in any city or borough only when submitted to the electors thereof and approved by a majority of those voting thereon. Thus cities only may be given the right to frame their own charters; but both cities and boroughs may be offered a choice, for example, of councilmanic, commission or city manager government as set forth in optional charter acts to be passed by the legislature.

During the recent meeting of the National Municipal League representatives of the City Conference of Philadelphia and solicitors from cities of the second and third class discussed the advisability of uniting upon a single home rule enabling act to be passed by the legislature of 1923. A tentative draft of such act following in general the recommendations of the Committee on Municipal Program of the National Municipal League, 1915, was presented by the City Conference.

The thought was expressed that separate enabling acts for each class of cities had not worked well in other states. Such acts encouraged legislative inroads upon the exercise of home rule powers (1) by facilitating detailed restrictions upon each class of cities instead of broad limitations applicable to all cities, and (2) by narrowing the opposition to such encroachments by the legislature to cities of the particular class affected. These dangers would be magnified by the constitutional amendment proposed by the legislature of 1921 increasing the classes of cities to seven and boroughs to three.

However, it is likely that the habit of class legislation for Pennsylvania cities will prevail in the enactment of laws making the home rule amendment effective.

Leonard P. Fox.[1]

*

Employment Standardization in Minneapolis.—Under date of June 19, 1922, J. L. Jacobs & Company of Chicago transmitted a report of 497 printed pages on the "classification of positions and schedules of compensation" for the city of Minneapolis to the "Joint Salary Survey Committee" of that city.

One of the items of interest in connection with this report is that it was prepared under the direction of a "joint" official committee, composed of three representatives of the board of estimate and taxation and three representatives of the civil service commission. The president of the civil service commission acted as chairman of the joint committee. To all appearances this rather unusual arrangement is the result of a compromise between two different viewpoints as to whether the employment agency of government or the budget agency should perform the function of classifying positions and recommending standard rates of pay.

The scheme of classification differs only slightly from those used by J. L. Jacobs & Company in other cities. Of course, each private consulting firm has its own preferences in this matter. The result is that we have at least as many different schemes of classification as we have private consulting firms engaged in classifying positions in the public service. Perhaps at this stage of development in employment standardization something is still to be gained from experimentation with various ideas; but before long, let us hope, we can get together on a uniform plan.

One other feature of the report that deserves attention even in this brief note, is the proposed salary schedule. During and shortly after the World War it appeared to be quite generally recognized that public salaries had fallen behind in the upward procession of prices, and "standardizers" regularly recommended increases in pay for practically every class of employment. Apparently this tendency has come to a halt. The Minneapolis report in effect recommends a salary cut, though present incumbents of positions are not to be reduced. Even the maximum rates in the new schedule fall slightly below the existing level of salaries; and the minimum rates would lower that level by 11.2 per cent.[1] Whether this schedule would keep intact the pre-war purchasing power of municipal salaries and wages cannot be gleaned from the report.

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[1] Research Manager, Pennsylvania State Chamber of Commerce.

Not all classes of workers, however, are faced with a reduction in standards of pay. Some of them, principally brain-workers, are to have slight advances. This is true of employes in the educational service, the investigating and examining service, the legal service, the library service, the professional engineering service, the scientific and laboratory service, the stationary engine operation service, and the domestic and institution service. On the other hand, the most drastic cuts are proposed for the fire fighters, for employes in the guard and detention service, for unskilled laborers, and for policemen. Fellow-sufferers with them, if the report is adopted as it stands, will be those who are in the following services: clerical and administrative; custodial and building maintenance; inspectional; medical; nursing; park maintenance and recreation; portable equipment operation; school and janitor-enginemen; skilled and semiskilled trade; sub-professional engineering; and supervisory skilled trade and labor.

Copies of the report can be secured at the office of the board of estimate and taxation, 343 City Hall, Minneapolis, Minnesota.

William C. Beyer.

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[1] This applies to positions other than those in the educational service for which the salary rates suggested are approximately the same as those adopted by the Board of Education itself and are slightly higher than existing rates.

II. CIVIC COMMENT

Contributed by the American Civic Association

Mr. J. C. Nichols, vice-president of the American Civic Association, and developer of the Country Club district in Kansas City, spent the summer months studying European cities, always comparing in his own mind the opportunities and achievements of American cities. "'Too late' are the saddest words in city planning," comments Mr. Nichols.

*

Read "Building Cities for To-morrow," by Lucius E. Wilson. He offers a prescription "to make the public think." This is the beginning of all good civic things.

*

The Proposed State Housing Code is again up for consideration in Pennsylvania. The state department of health and the Pennsylvania Housing and Town Planning Association are conferring with the State Chamber of Commerce to agree upon a revised draft for presentation to the legislature.

*

The Louisville Women's City Club is taking an active part in the movement to pass a housing ordinance for the city.

*

In December *Progress,* published to promote the Pittsburgh Plan, appears a picture of several handsome residences and a vacant lot. In the vacant lot is a sign which reads "For Sale—No Restrictions." Suppose some enterprising purchaser erects a public garage on the property. What will happen to the peace of mind and to the financial investments of those owners of residences?

*

Jens Jensen, president of the Friends of Our Native Landscape, in a talk before the City Club of Chicago, made an eloquent plea for the people of Illinois to extend their State Park System.

*

The Massachusetts Forestry Association announces another national parks and forests tour for 1923. More people visit their national parks each year. Why not join the 1923 party?

*

In Visalia, California, it is claimed, is the smallest park in the world. In order to prevent the cutting of a handsome tree in the roadway, a city park was established and curbed with a ring around the tree, and a traffic post set facing each direction to warn drivers to pass to the right.

*

Mimeographed Copies of an article in the *Engineering News-Record* on "How to Lay Out and Build an Airplane Landing Field" by Archibald Black are available. Write the American Civic Association.

*

W. C. Nason of the bureau of agricultural economics, department of agriculture, has prepared Farmers' Bulletin No. 1274 on "Uses of Rural Community Buildings." The rural community building is a good civic first step as is proved by the activities which Mr. Nason describes. Write the American Civic Association for a copy.

*

A report on Recommended Minimum Standards for Small Dwelling Construction is announced by the department of commerce, prepared by the Advisory Committee on Building Codes of which Ira H. Woolson is chairman. Write the American Civic Association if you desire a copy.

*

A new edition of the Standard State Zoning Enabling Act has been issued by the division of building and housing, department of commerce. Do you desire a copy?

*

Tables showing the acreage and appropriations for parks and playgrounds, miles of paved highways, police protection and appropriations for Pennsylvania cities of the third class have been issued by the bureau of publications, Pennsylvania department of internal affairs. If you desire copies write to the American Civic Association.

*

The Address of Dr. John Nolen on The Place of the Beautiful in the City Plan delivered at the Conference on City Planning in Springfield, Massachusetts, has been published and is available at 25 cents a copy.

*

State Parks.—Following the successful state park conference held last year in Palisades Interstate Park the invitation of the Indiana conservation department to hold this year's conference early in May at the Hotel in Turkey Run State Park has been accepted. Indiana has developed a useful state park system. Those who attend the May meeting will undoubtedly be well repaid for the trip. The committee in charge of the meeting consists of Judge John Barton Payne of Chicago and Washington, chairman; Chauncey J. Hamlin of Buffalo, vice-chairman; Alfred M. Collins of Philadelphia, treasurer; Beatrice M. Ward of Washington, secretary; Mrs. Samuel Sloan of New York, J. Horace McFarland of Harrisburg, Dr. Henry S. Cowles of Chicago, Edgar R. Harlan of Des Moines, Franklin W. Hopkins of the Palisades Interstate Park board, E. G. Sauers of Indianapolis and Joseph D. Grant of San Francisco.

*

American Civic Association's Park Primer.—The American Civic Association has issued a four-page primer entitled "What Everybody Should Know About Parks." Careful definitions are given of national parks and monuments, state and interstate parks, regional parks, city parks, city playgrounds and municipal camps.

A national park is defined as "an area of some magnitude distinguished by scenic attractions and natural wonders and beauties which are distinctly national in interest and in which the public-service value in preserving mountains, valleys, forests, lakes and streams with their characteristic plant and animal life for the 'use and enjoyment of all the people' distinctly outweighs the possible benefit to the few who would profit by commercial uses." "A national park possessing these qualifications," it is stated, "deserves to be protected jealously and completely from all outside utilitarian and commercial uses." The basic theory upon which all commercial encroachments are opposed is set forth clearly. "All proposals to use any part of a national park for utilitarian purposes imply either the desire to take the property of all for the advantage of the few, or a desire to use public property to avoid paying for what otherwise must be paid for. If it were possible to estimate the actual cash value of park scenery and assess it against those who would despoil it, there would be no more applications for reservoirs in national parks."

The state park is coming into popularity and provides a way to serve the people of the country through the establishment of areas devoted to outdoor recreation near the people who would use them. New York and New Jersey, and Wisconsin and Minnesota have joined in notable interstate parks which are administered jointly for the benefit of the people of contiguous states.

The people and officials of the cities of the country would do well to heed the warning given in the quotation from Mr. Caparn, chairman on parks of the American Civic Association: "Parks serve the public by preserving open spaces. Land dedicated to park purposes should not be made the site of buildings which do not serve park purposes in the mistaken idea that an economy is effected. Such encroachments upon park areas are wrong in principle and likely to prove exceedingly expensive."

The various types of city playgrounds are defined in such a way as to make clear that parks and playgrounds have distinctly different qualifications in treatment and use.

Municipal camps must not be mistaken for the parks since they cannot be construed as of recreational value to the town maintaining them, and are usually established because of the profitable trade they tend to attract.

The primer may be secured in quantities for local educational purposes at 2 cents each.

Harlean James,
Secretary.

III. MISCELLANEOUS

Mr. William H. Emhardt has been elected president of the City Club of Philadelphia to succeed William R. Nicholson.

⁂

A Second-Story Tunnel for New York Traffic.—Pointing out that New York's vehicular traffic doubles every three years, Police Commissioner Enright asks what it will be in 1926, and proposes a second-story vehicular tunnel, extending from the Battery to Harlem to be cut through existing buildings. This elevated roadway would be 100 feet wide and make possible a speed of 30 miles an hour for automobiles.

⁂

Boston Sends Municipal Christmas Cards.—On Christmas morning, each guest in Boston's hotels received an attractively engraved Christmas card extending the welcome and best wishes of the mayor and citizens of Boston to the stranger within their gates. The same greeting was conveyed on the screens of all down-town motion picture theatres.

⁂

Mr. Thomas Adams, town planning adviser to the Canadian government, well known in the United States and author of the League's pamphlet on Modern City Planning, and Mr. L. Thompson, formerly assistant architect to the housing department, ministry of health, have entered into partnership for the purpose of practising as town planning consultants, with London offices at 121 Victoria Street, Westminster, S. W. 1, and New York offices at 16 East 41st Street.

⁂

The Annual Meeting of the Political Science Association was held in Chicago, December 27–29. Program topics included international political science and international law, political theory, psychology and politics, administration, and political research. Two sessions were devoted to committee reports and discussion of the last subject. President H. A. Garfield of Williams College was elected president for the year 1923 and Professor Charles E. Merriam of Chicago first vice-president. Professor Frederic A. Ogg was re-elected secretary and treasurer.

Other learned societies meeting at the same time and place included the American Economic Association and the American Sociological Society.

⁂

How Much Can You Afford to Pay for a Home?—A very real service has been rendered to the cause of home ownership by the division of building and housing of the department of commerce which has recently prepared important information for the guidance of the average man in home-financing, showing the relation between the cost of a home and his annual salary or income.

The department of commerce has reached the conclusion that a man may safely own a home worth one and one-half to two and one-half times his annual income. After pointing out that the chief difficulty in purchasing a home on the instalment plan lies in the fact that the payments during the first few years are heavier than in the latter ones, it shows, in addition to the money that would ordinarily be paid out for rent, that savings or extra earnings must be devoted to the paying off of the principal on loans in order to get through these first few years.—*Housing Betterment.*

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COMMENT

Los Angeles is to have a new charter. Nominations for a board of freeholders to draft it will be made at the May primaries. The election will be on June 5.

◆

The city of Berkeley, California, has adopted manager government by a vote of almost two to one. The straight commission form was rejected at the same election.

◆

St. Paul, which recently began regulating the wages of municipal employes in accordance with the rise and fall in the cost of living, as reported in the February Review, has abandoned the cost of living figures compiled by the National Industrial Conference Board in favor of those published by the United States bureau of labor statistics.

◆

Detroit, which now has five of the thirty-two senators and fourteen of the one hundred representatives in the state legislature, is hoping for a legislative reapportionment at this session. She will not get her full quota, which is about one-third of the members of each house, although the constitution entitles her to it. But this is one case in which no one is able to enforce the constitution.

Governor Smith of New York has again caused to be introduced into the legislature the three constitutional amendments relating to state reorganization which passed the legislature in almost the same form in 1920 but which were defeated in 1921 at the wish of Governor Miller. The amendments provide for an executive budget system, for a four year term for elective executive officers, and for the consolidation of administrative agencies into nineteen departments.

◆

The City and County of Butte, Montana

Such is to be the corporate name of what has been the city of Butte and the county of Silver Bow. Dr. A. R. Hatton, charter consultant of the National Municipal League, has just completed the draft of the charter which will consolidate the two governments under a city-county manager.

Butte is a city of about 50,000 population. About 97 per cent of the population of Silver Bow county live in Butte. This is the first effort to take advantage of the constitutional amendment adopted last November, authorizing the legislature to consolidate cities and counties.

The charter is something very new in American government and we are asking Dr. Hatton to write it up for the next REVIEW. Its chances of passing the legislature are excellent.

⁂

A Set-Back to Popular Government

The reputation of our courts will not be enhanced by the decision of the Mississippi supreme court in *Power* v. *Robertson* (93 So. 769), overruling its decision of five years before and nullifying the initiative and referendum amendment of 1914. According to this *latest* view of the court, supported by very unsatisfactory reasoning, the amendment actually comprises more than "one amendment," and its submission as one amendment contravenes the constitutional provision that requires each amendment to be submitted separately at the election. J. D. B.

⁂

Mayoralty Ethics

We need a book of etiquette for mayors. Mayor Hylan tells us that the "Queen, you said a mouthful" story is a fabrication circulated by his enemy, "the interests." Nevertheless our mayors are sometimes guilty of bad form and, occasionally, serious breaches of ethics. In the last category we place a letter addressed to "The Employes of the City of Chicago" by Mayor Thompson urging defeat of the proposed new state constitution. We now know that the constitution would have been beaten anyway but this doesn't mitigate the mayor's offense.

In his letter to the civil servants, Mayor Thompson characterizes the proposed constitution as "The most dangerous, vicious, liberty-destroying instrument of its kind ever conceived in our nation's history." It will increase the taxes of the poor. The pension system and the civil service as applied to Chicago "may be jeopardized, if not entirely destroyed." By voting no, each city employe will safeguard his "right to receive a pension."

Of course it is expected that the mayor will be a political leader. But why should he send such a letter to the huge number of city employes under civil service and presumably devoted to the non-political service of the people?

⁂

Constructive Teaching of Civics

One of the leading objects of the National Council for the Social Studies, an organization of scholars, school administrators and teachers for the purpose of improving instruction in history, civics, economics, and kindred subjects, is to ascertain the reasons why so little effort is made in the schools to train future citizens in the principles of political organization. Citizens of voting age must all express an opinion on the adoption of charters and constitutions. Very few of them need know, for practical purposes, the principles of algebra and trigonometry. The latter are more difficult to understand than the former, but the latter are far more generally taught than the former. Why is this? Every thoughtful and informed citizen in America, who is not limited by the practical politics of his affiliations, believes and will state frankly that the movement to shorten the ballot, in our state governments for example, is a reform against which there can be no argument. Therefore this reform can be safely taught by trained teachers of civics. Yet students who enter college know almost nothing about it. This is a mere illustration of similar weaknesses in our political education. Who is at fault? What can we do about it? It seems to be high time that answers were found to these questions.

E. D.

Tennessee Adopts Administrative Consolidation

A new administrative code, consolidating sixty-four disconnected bureaus and departments into eight departments, the heads of which are appointed by the governor, has been adopted in Tennessee. The aggregate vote of the two houses of the legislature was 98 to 20 in favor of the code. The plan of reorganization was drafted by A. E. Buck, a staff member of the National Institute of Public Administration but acting in this instance under the auspices of the National Municipal League. Copies of League publications were furnished to all the members of the legislature and to the newspapers of the state. Governor Peay led the fight for the code, the adoption of which was little short of a landslide.

The old method of decentralization, which had grown up over a long period of years, had proved unsuccessful. Under it the state regularly ran about $1,000,000 behind in its annual obligations. Bond issue piled upon bond issue. Interest charges mounted steadily. Each governor bequeathed to his successor a big deficit. Each state department—and their number grew unconscionably—lacking a direct responsibility to the governor, vied with the others in getting appropriations from the legislature to maintain or expand its activities. The whole system was productive of extravagance and waste, of inefficiency and petty politics.

The new system brings order and responsibility into the state's affairs. Its supporters confidently expect it to result in a saving of $1,000,000 annually and in increased effectiveness all along the line. Ousted office-holders propose to test the constitutionality of the code but it is confidently expected that the courts will sustain it.

Pork vs. The Budget

While the appropriation measures of congress have not all been enacted into law, there is general agreement in Washington, apparently, that the bureau of the budget is responsible for the excellent progress achieved to date (February 10).

It is admitted that the bureau of the budget made drastic, even arbitrary, cuts in the estimates of department heads. General Lord states that he allotted a pro rata cut to each department and unit, and thus threw the responsibility on the department or unit to prove that more money was an absolute necessity. In many instances the budget bureau allowed increases over these arbitrary cuts; so that the budget recommendations to congress represented the best judgment of the bureau, all things considered, of the proper allocation of funds to be kept as nearly as possible within the expected revenues of $3,481,000,000. The budget recommendations for the year, according to General Lord were cut $321,000,000 less than the first figure.

What has congress done with the recommendations of the bureau of the budget? In general the appropriation measures have followed very closely the budget estimates. In two instances only did the house greatly exceed the budget figures—in the District of Columbia bill and in the war department bill.

In extenuation of the increases voted for the District of Columbia it may be said that the whole system of control for the District is awkward and the budget bureau may be pardoned if its cuts were a little too drastic. Therefore, the probable increases in this appropriation can hardly be cited as examples of a break-down in the budget system.

What shall we say of the outstanding

flagrant increase in the appropriations for rivers and harbors which was voted by the house and is now under consideration by the senate?

The facts of the case seem to be these: The chief of engineers in the war department estimated amounts which could be "profitably expended" during the coming fiscal year. A long list of rivers and harbors was submitted showing amounts allocated to each. The total came to $43,178,130 for improvements, plus $13,412,280 for maintenance, a total of $56,590,410.

There was also $14,905,000 more for flood control and allied objects. The budget bureau cut the fifty-six odd millions to twenty-seven odd millions. The appropriation committee of the house added an even $10,000,000. The vote on the floor of the house restored the amount to the fifty-six odd millions, the amount which the chief of engineers thought might profitably be expended on rivers and harbors during the coming fiscal year. And this is a declared régime of economy!

The bill is now on the floor of the senate where an amendment to reduce the fifty-six odd millions to an even fifty millions has been rejected.

It is clear that the budget for this particular year at least, if the senate concurs, will have failed to stand the strain of the proverbial "pork barrel" of the rivers and harbors. Until the United States government definitely adopts a policy in regard to water transportation and finds some method of developing long-range plans which will displace the annual drive for federal funds for local improvements we are sure to see these spectacles repeated. The budget should not annually be submitted to this strain.

Even the rivers and harbors appropriations, however, will not "break" the budget. The definite accomplishments of the bureau, the manifest expedition of the nation's business, the ground-work plans which are being laid to learn more accurately how estimates are made and what the supporting evidence may be, have already won for the budget bureau very strong popular approval.

H. J.

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An Error Corrected

We regret a statement of error, occurring through haste and pressure of work, in the article by Dr. Wm. H. Allen, entitled "The United States Comptroller General and His Opportunities," in the February issue of the Review. At Dr. Allen's request we are glad to set his readers straight with respect to the appointment of this officer. He is named by the president with the advice and consent of the senate and is not appointed by joint resolution of congress, as the article stated.

H. W. Dodds.

HIGH SPOTS IN THE REPORT OF OUR COMMITTEE ON CIVIL SERVICE

PRESENTED AT THE PHILADELPHIA MEETING

The full report has been referred to the Council with power and will be published if they so authorize. The editor will be glad to have your comments for the guidance of the Council. :: :: :: ::

THE chief recommendation of the committee is that there should be centralized employment supervision and control in the public service and that the civil service commission is the natural agency to perform this function.

On the ground that co-operation, the basis of sound personnel administration, has not been realized between the responsible officials and the typical civil service commission, and further that it is not likely to be realized under the present system, the committee recommends that the civil service commission itself be reconstituted. In order to bring this about the following recommendations are made:

1. That a single civil service commissioner be appointed with indeterminate tenure of office.
2. That the mayor (or commissioner or city manager) appoint the commissioner from an eligible list of three, which list results from the competitive examination given by a special examining board to candidates qualifying as employment managers.
3. That the examining board consist of three persons, all of whom are acquainted with the employment field and at least one of whom must have been or be an official of a civil service commission.
4. That one of the members of the examining board shall be named by the mayor, one by the local superintendent of schools and the third by the first two.
5. That the salary of the commissioner be commensurate with the salaries paid other administrative officials performing comparable functions.
6. That the appropriations for the work of the commission be materially increased, so that the commissioner may have a staff qualified to cooperate effectively with the various administrators.
7. That removal shall be possible after the filing of charges and a public hearing before the executive.

CLOSER CO-OPERATION UNDER THE MERIT SYSTEM

The committee is of the opinion that the plan proposed will result: (1) in closer co-operation between the personnel and the administrative agencies; and (2) at the same time in conserving the standards of the merit system. The reasons for this opinion are:

Co-operation: The mayor (or comparable official) appoints one member and through him partially controls another member of the examining board and, further, he has the selection of the appointee from a list of three. Final decision as to removal rests with him, it is true, but it must be justified before the bar of public opinion. In the case of appointment and removal, therefore, the chief executive exercises a considerable amount of power.

Other reasons for anticipating real co-operation center about the character of the commissioner. Qualified as an employment manager and selected by men who have an understanding of modern employment methods, he should win a place for himself "inside the works" by his competency. If there is a technique of employment administration, as there is, for instance, of accounting, assessments or purchasing, the head of the employment department should have such vital contributions to make that his advice and counsel would be sought after and followed. The committee believes that there is such a technique and that its success in functioning depends on co-operation and results in co-operation.

Standards of Merit: The assignment of equal power to the superintendent of schools and the mayor in the appointment of the special board of examiners is due to the conviction that the superintendent of schools is the public official in the municipality who is most unlikely to be swayed by political considerations. It is believed that his co-operation in the matter of appointing the board will generally guarantee that considerable weight will be given to merit in the work of the board.

The committee is also of the opinion that an employment specialist selected because of competency and accepted by the officials because of his contributions will probably further the interests of the merit system more than a partially outside body, such as the typical civil service commission which is bipartisan in origin, subject to continuous change, and untrained in handling employment problems.

BETTER FINANCIAL SUPPORT

No argument seems called for in support of the recommendation for proper financing of the civil service commission. The salary of a commissioner in charge of 1,000 or more employees should be commensurate with his responsibilities and proportionate to the salaries paid officials of similar rank. Furthermore, anyone acquainted with the inner workings of the typical civil service commission appreciates the need of more generous appropriations for the staff and the work of administration. One of the chief causes of criticisms directed against civil service commissions is doubtless through lack of staff to perform adequately, if at all, the functions ascribed to them by law.

Since the committee contemplates that the commission will perform these various functions and thus become the personnel agency of government, an increase in appropriations is a necessary condition for the success of the proposal.

Finally the committee recommends that the civil service commission bring about the appointment of personnel committees, consisting in equal parts of staff representatives and those elected by the rank and file of the employees. It is proposed that these committees should meet with and advise the civil service commissioner in the development of the employment policy and in the improvement of the standards of public service.

This recommendation is quite in line with recent developments in private industry, where it has led to a better spirit of co-operation and improved standards of efficiency.

THE SPECIAL COMMITTEE ON CIVIL SERVICE, NATIONAL MUNICIPAL LEAGUE

Henry S. Dennison, Chairman, President, Dennison Manufacturing Company.

W. E. Mosher, Secretary,
National Institute of Public Administration.
Wm. C. Beyer,
Philadelphia Bureau of Municipal Research.
Morris B. Lambie,
Secretary, Municipal Research Bureau of Minnesota.
Charles P. Messick, Secretary and Chief Examiner, New Jersey State Civil Service Commission.
John Steven, Chief Examiner,
New York State Civil Service Commission.
Whiting Williams,
Labor Investigator and Author.

GAINS AGAINST THE NUISANCES

III. SMOKE ABATEMENT

BY O. P HOOD[1]

THE shortage of anthracite coal in many eastern cities brings a new factor into the city smoke problem. Communities that have used anthracite almost exclusively are now compelled to use some substitute, and this substitute is likely to be a smoky fuel. This condition must be faced more and more, since the peak of anthracite production has probably been reached, and the needs of a growing community cannot be met by more anthracite coal. So far as maintaining comfortable temperatures is concerned, this is not a serious matter, since by far the larger number of people in the country have never had any anthracite coal, and have long ago adapted themselves to other fuels. The easterner, however, dreads the smoke and smudge of the more volatile fuels, and those who enforce the smoke ordinance have a difficult task in deciding to what degree they can demand a smokeless stack, and when such a demand would be unreasonable.

WIDE DIVERSITY OF SMOKE MAKERS

Our smoke ordinances vary in their tolerance from an absolute prohibition of smoke to an ineffective looseness. Not only does the legal standard vary, but the demand of the community varies widely. In a town with few industries and with the domestic consumer burning anthracite, a single plume of light gray smoke is noticeable and, perhaps, objectionable, whereas in communities that have always lived with soft coal the same stack might be commended for its moderation. Again, the problem is complicated by the type of fuel burning equipment of a town. In Salt Lake City, Utah, there was a gradual increase in smoke density, until it seriously menaced the reputation of the place as one desirable for tourists. About one fourth of this was found to come from domestic fuel. On the other hand, in a small town in West Virginia that had a much more serious smoke problem, it was found that 90 per cent of the smoke was made by the railroad, either in locomotives, yards or shops, and that there was practically no smoke from domestic equipment, as houses were heated with natural gas. Each place has its peculiarities of topography, wind and weather, and diversity of smoke makers.

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[1] Chief Mechanical Engineer, U. S. Bureau of Mines. Article furnished by request of American Civic Association.

The smoke problem has been a difficult one, both technically and administratively, for several hundred years, and it is not likely that any happy solution awaits us in the immediate future. It is possible to burn almost any fuel smokelessly, but it may not be practical to do this with any reasonable expenditure for equipment or labor. As a technical fact, even dense black smoke does not necessarily represent a serious loss in heat. Dense black smoke contains, perhaps, only one or two per cent of the actual fuel substance of the coal, but it should be said immediately that in the great majority of cases black smoke is made because of inefficient combustion conditions. It is also true that a perfectly clear stack does not necessarily indicate efficient combustion.

THE HUMAN FACTOR LARGE

There are two parts to the smoke problem, the fuel burning equipment and the human factor, and of these the human factor is by far the larger problem. In most of our smoky cities there are periodic efforts at smoke abatement. These efforts are usually conceived in irritation and anger, and threats are made of using a big stick to produce results. Meetings of various organizations follow, and, without adequate knowledge, indictments of guilt are drawn against some part of the community. There often follows the passage of an ordinance and the setting up of new regulatory machinery to clear the skies. This machinery, in a year or two, becomes a political cog in the city administration, ceases to be effective, and things slip into the old condition awaiting a revival and repetition of the cycle. This sort of intermittent effort is all wasted.

Smoke abatement requires steady, persistent effort, the same as problems connected with public safety, public health, fire protection and education. The problem is both technical and administrative, and is a long-time problem requiring continuous, intelligent effort that must be paid for. It is only when a community fully realizes this fact that there is much hope for lasting results. When approached properly the first move is to discover the actual facts as to who produces the smoke, and how much each is responsible for. There are ways of expressing this in figures which are accepted in a court of law. Thus in Salt Lake City, in the year July 1, 1918 to June 30, 1919, it could be said that the percentage of smoke made by different classes of plants was as follows: Industrial power and large heating plants 44.58 per cent; small heating plants 9.04 per cent; locomotives 18.38 per cent; residences 21.83 per cent; miscellaneous 6.17 per cent. The record was so kept that individual offenders knew the record of his smoke producing stack. The next step is to offer to co-operate with the object of reducing smoke. It is here that a good order of technical knowledge must be available as each plant furnishes a problem by itself that must be handled with good sense and a knowledge of what is possible and reasonable. Handled in this manner a large percentage of the cases are cured with satisfaction to the owner, and often greatly to his financial advantage. There is usually only a small remainder of obdurate, persistent offenders that require the harsher methods of the law, and for these an ordinance is necessary. An ordinance is useless, however, unless there is mechanism for enforcing it.

FURNACES BADLY DESIGNED

One of the greatest handicaps to smoke abatement is that there are many installations of furnaces designed without regard to smokeless combustion. In an earlier and less critical time these forms became more or less standard, and continue to be installed. Often new plants cannot be operated smokelessly. Architects are, as a rule, the most backward in recognizing that sufficient space, height and draft are necessary for smokeless furnaces. The most necessary element of smoke abatement is to see that new installations all go in in such form that smokeless combustion is possible, and that as repairs and remodeling of old plants become necessary they, too, should meet a requirement for smokelessness. All plans for such work should receive the approval of the engineer in charge of smoke abatement. It is here that one recognizes the need of continuous effort and the necessity of engineering control.

The United States Bureau of mines has conducted two smoke surveys, one in a moderate sized city, Salt Lake City, Utah, and one in a small railroad town. The facts obtained made improvement possible and co-operation easy and natural. Future conditions can be accurately compared with the present. The object of these surveys was to indicate what, in the opinion of the bureau, is the rational way of procedure to change a smoky town to one of clear skies.

HOME RULE IN UTILITY REGULATION

PROPOSED FOR NEW YORK CITIES BY GOVERNOR SMITH

BY JOHN BAUER, PH.D.
New York City

To the cities themselves is to be delegated the regulation of public utilities within their borders now exercised by a state commission.

IN his message to the legislature, January 3, 1923, Governor Smith proposed far-reaching changes in the public service commissions law of the state of New York.

No bill representing Governor Smith's ideas has yet been introduced in the legislature, so that this survey must be based upon the general outline of his message. The most sweeping single proposal is to delegate to the cities the regulation of public utilities within their borders and to let them provide such machinery as may be necessary for the purpose. There would be, however, a state commission to take charge of inter-municipal regulation or to act in behalf of the cities which do not wish to regulate directly. The proposal includes also the fullest right of the city to acquire, own and operate public utility properties.

There is no doubt that state regulation as carried on since the public service commissions law was enacted has not worked satisfactorily. The reasons for the failure are numerous and were outlined by the writer in the articles entitled *The Deadlock in Public Utility Regulation*, published in the

National Municipal Review during the past year and a half. In those articles, the idea of transferring the regulatory power to the municipalities was not considered, but it was urged that the cities should have the right and responsibility to determine for themselves their local public utility policies and to use the state commission for the power to carry out their purposes. The governor's proposal, however, is thoroughly sound and it was not presented by the writer because of the improbability, as it seemed at the time, of getting the idea seriously considered. The improbability has now been suddenly transformed; the proposal can probably be enacted into law if the cities of the state actively support it,—if they really want the power and bring all possible pressure upon the legislature for the purpose.

WOULD CONFUSION RESULT?

This is the most important matter seriously presented to the legislature on the large subject of home rule. In the effort to defeat the proposal all sorts of arguments will be presented, but the most plausible ones will be these three: (1) That local regulation would be impracticable because such a large proportion of the corporations operate beyond the limits of any one municipality, (2) that with the exception of the city of New York and possibly two or three of the other larger cities, the expense of local regulation would be prohibitive, and (3) that with the large number of cities fixing rates there would be a lack of uniform policies resulting in confusion and in great increase in public utility litigation carried to the courts.

As to the first point, there will be some difficulty for the cities to exercise regulation within their own borders where the companies furnish service also in outside territory. In a large proportion of cases the companies operate in two or more municipalities and furnish service not included in any city. This, however, will be no insuperable obstacle to intelligent and effective local regulation. No city would have jurisdiction outside of its own territory. There would be no difficulty in fixing the local quantity or quality of service, or prescribing standards of safety or other conditions of operation. As to rates, however, there will be the problem of apportioning the joint costs incurred by a company in the city and outside. But this can be handled, and in fact, it is the same problem which the state commissions have had in fixing rates for a city when the company operated over a wider area.

As to the second point, it is true that with few exceptions the cities will not be able to maintain independent commissions with a regular technical staff to provide the facts for intelligent and effective regulation. But such commissions are not required except where they are justified by the size of the cities and the scope of the work. In most cases the local authorities can base all necessary orders upon periodical and systematic reports made by competent engineering and financial experts. It is true that intelligent and effective action must be based upon facts which can be supplied only by highly trained and experienced men, but in most cases these men do not need to be employed continuously. A comprehensive report and recommendations made once a year, supplemented by quarterly surveys, would usually be sufficient to furnish the cities all necessary information for proper action.

Any city without a regular expert staff of its own can enter readily into reasonable agreements with public utility experts at very moderate cost.

Moreover, the cities can co-operate in various ways so as to use jointly a staff of competent experts with a pooling of costs in proportion to the services rendered. Such methods of co-operation were outlined by the writer in one of the articles already referred to.

RESPONSIBILITY PROPERLY RESTS WITH LOCAL COMMUNITIES

Even if the proposed local regulation is not carried out and state regulation is continued, the cities will still face the inevitable responsibility of working out their own individual public utility policies. Experience has demonstrated that whatever the theory of control may be, the people of any city look to the local authorities for active protection of their interests as consumers. This responsibility cannot be dodged, but it is a question whether it is intelligently and effectively carried out.

In any event, therefore, the cities face the problem of providing themselves systematically at moderate expense adequate expert service to formulate and carry out intelligent local public utility policies. For this purpose, even under state regulation they should have the right to appear before any state commission or any court in all matters relating to public utilities operating within their borders. To make state regulation effective, they must provide exactly the same fact-getting machinery as would be required to carry out reasonable local regulation. The expense, therefore, should not be charged against the desirability of the proposed legislation.

Nor should the third point,—the lack of uniformity in procedure and the increase in public utility litigation carried to the court,—weigh seriously against the proposal. The statute, however, should define as definitely as possible the basis of all procedure, defining clearly the rights of the investors as well as the rights of the public. Particularly the basis of return to investors should be clearly prescribed so as to eliminate once for all the chief source of dispute, litigation, expense and deadlock. In any order, however, the city authorities would face the same quasi judicial responsibilities as have the state commissions heretofore, and in the same way they would have to avoid the confiscation of property. If in any matter a company is dissatisfied, it would have the right to appeal to the courts, or possibly first to the proposed state-wide commission, with jurisdiction outside of the several cities. It would lose no fundamental right, and justice would not be endangered.

CALIFORNIA STICKS TO THE I. AND R.

BY DR. JOHN RANDOLPH HAYNES

Los Angeles

Within the past three years there have been three concerted efforts to emasculate the initiative in California. Twice has it been voted on by the people. The opposition has more in mind than mere antagonism to the single tax. :: :: :: :: :: :: ::

THE people of California again declared their independence and their belief in the principles of direct legislation when they defeated an attempt to cripple the use of the initiative in that state by a majority of 120,652 at the November election, the total vote upon this measure being 636,670.

California adopted the initiative, referendum and recall in 1911 by a vote of three to one, and if the vote this year is any indication, they have never regretted the act.

INITIATIVE USED 51 TIMES IN 11 YEARS

In the eleven years since the adoption of direct legislation (including the measures on the November, 1922, ballot), the initiative has been used to put 51 measures before the people.

Out of this number 15 have been adopted and have become laws. These include such measures as the act prohibiting prize fighting, the veterans validating act, the alien land law, a bond issue for the state university, a law providing for a state budget, an act prohibiting members of the legislature from holding other office during their legislative term, a law regulating usury, etc.

These are all wise laws and the people have shown great discrimination in their decisions.

The referendum has been used 19 times and in only six cases has the legislature been sustained, showing very conclusively that it is an essential part of government if the will of the majority is to rule.

The initiative has been consistently attacked at every session of the legislature since it became part of the constitution, but its enemies have met with no success. In earlier years they tried to prohibit the use of the initiative in submitting certain types of legislation to the people, such as prohibition. More recently, since they failed to make any headway along these lines, they have centered their efforts on attempts to restrict the use of the initiative in matters concerning taxation, their contention being that the people cannot decide wisely on financial matters.

It is both interesting and significant to note that the state of California is supported entirely by a direct tax on corporations and not an ad valorem tax. A direct tax on real estate and personal property is levied only for city and county purposes.

An organization known as the People's Anti-Single Tax League was formed about 1917 ostensibly for the purpose of working against single tax legislation. That their activities had a broader scope is indicated by their suggestion for an initiative amendment published in November, 1917, which reads as follows: "If an initiative measure submitted to the people were defeated by a vote of 4 to 3, the measure could not be submitted again for eight years; if defeated by a vote of 3 to 2, it could not be submitted again for twenty years; and if defeated by a vote of 2 to 1, it was settled for all time."

THE 1920 MOVEMENT

In the early months of 1920, having failed to get a similar measure passed by the legislature, this so-called People's Anti-Single Tax League circulated initiative petitions and placed on the ballot a constitutional amendment requiring initiative petitions concerning the assessment or collection of taxes, or *providing for the modification or repeal of this amendment*, to be signed by 25 per cent of the voters of the state instead of 8 per cent as at present. While this was aimed at single tax, it did not specify single tax but applied to *any change* in the taxation system of the state. The claim was made that no taxation measures other than single tax had ever appeared on the state ballot. This was easily refuted, for an initiative measure repealing the poll tax had been adopted a few years ago and there were on the 1920 ballot two measures affecting education which would also have come under this classification. One provided for an increase in the appropriations for the public schools from state funds and the other called for the establishment of an ad valorem tax for the benefit of the state university.

The campaign in favor of the amendment was conducted by the People's Anti-Single Tax League which was actively supported by banks, chambers of commerce, and large business interests. The campaign against the measure was conducted by the League to Protect the Initiative which numbered several thousand individuals among its active members.

When the vote was counted in November, 1920, it was found that the measure had been buried under a majority of 123,598. Every county in the state gave a majority against the measure except one—Alpine, the smallest in the state, where only thirty votes were cast.

When the legislature met in 1921, the attack on the initiative was renewed under many guises. None of the amendments ever came to a vote in either house. The 25 per cent amendment, defeated at the polls in November, was reintroduced in the legislature and came out of the senate committee amended to 15 per cent, but even so was not voted on.

ATTACK REPEATED IN 1922

Early in 1922 there were rumors that an amendment would be on the November ballot. Again making use of the instrument they seek to destroy, the People's Anti-Single Tax League circulated initiative petitions and at almost the last moment for filing, placed on the ballot a measure identical with the one defeated in 1920 except that they had adopted the change in percentage suggested at the legislature and reduced the requirement from 25 to 15 per cent.

This measure was supported by the same interests which supported the 1920 measure and was again heralded as the amendment necessary to save the state from the "single tax menace."

The League to Protect the Initiative again conducted the campaign in defense of the initiative and devoted itself to presenting the true facts of the case to the people, having confidence that the people could be trusted to act wisely. They particularly emphasized the fact that although there had been a single tax measure on the ballot at every election since 1912, the majority against the proposition was steadily growing. In 1920 it amounted to 366,000, so it was easy to show that it was not necessary to destroy the initiative in order to save the state from single tax. That this point was well taken is shown by the fact that the 1922 majority against single tax increased to 391,000, while the vote for single tax decreased from 196,694 in 1920 to 124,403 in 1922.

In spite of the fact that the 1922 proposition only called for an increase in the percentage of signatures from 8 to 15 per cent, instead of from 8 to 25 per cent, the majorities by which the two measures were defeated were almost identical. In 1920 the majority was 123,598 and in 1922 it was 120,653. In proportion to the size of the vote cast in the two years, the 1922 majority was higher.

LAW AMENDED TO COMPEL FILING OF ACCOUNTS

The one amendment to the initiative law adopted at the 1921 legislature, was one which required all individuals, organizations or corporations spending more than $1,000 in any campaign to influence the voters for or against any initiative or referendum measure to file with the secretary of state a detailed and itemized account of their receipts and expenditures five days prior to an election, and a supplementary account not less than twenty days after the election.

Notwithstanding the fact that it costs from five to six thousand dollars to put an initiative measure on the ballot through paid solicitors, and that they distributed a large amount of printed matter through the mails, the People's Anti-Single Tax League did not file a statement of expenses. The League to Protect the Initiative filed a full and complete statement.

At the present time the initiative holds a strong position in California, with these two decisive popular defeats of attempts to hamper its use on two successive elections. The people have plainly indicated that they believe in its principle and want to retain it. The big interests would do well to follow their own advice and consider the question settled for all time to come.

The legislature met January, 1923, and at this writing it remains to be seen whether the enemies of popular government will renew the attack. If they should do so, there is no doubt but that they will be overwhelmingly defeated again.

THE OTHER SIDE OF THE BUDGET

BY LENT D. UPSON

Director, Detroit Bureau of Governmental Research

Public budgets are generally meaningless to voters. Intelligent contact between government and people has not been established. It remains to translate the budget figures into terms of service, of work to be accomplished as well as things purchased. :: :: ::

The term "budget" has become a shibboleth to economy, and in these days of riotous public expenditure, most cities, some states, and a few counties have accepted a respectable budget procedure as a means of retrenchment.

Some magic quality has wrought economies, but that quality has not coped successfully with the mounting costs of government, nor has it made the budget, as prophesied, "one of the most potent instruments of democracy."

The functionalized and segregated budget—a fine mouth-filling phrase—was developed by the New York Bureau of Municipal Research in 1907, to correct what now appear as obvious defects in financial methods. The new procedure provided that estimates would no longer be submitted on miscellaneous stationery, but would appear on proper forms with comparable statistics of past costs; the administrative head of the government would be charged with correlating these estimates into an administrative program for consideration by the legislative body; expense would be limited by income; appropriations would be made by the principal functions of government,—such as street cleaning,—instead of by principal departments; and the estimates would be segregated according to a uniform classification,—hence the term "functionalized and segregated."

There are other details, but they may be passed. It has required fifteen years to make "budget" a common word in kitchens, manufactories, and legislatures. Unintended and extravagant expenditures have been revealed and eliminated; business-like purchasing facilitated; and a "budget conscience" developed in public officials in proportion as public interest has quickened.

But such budget procedure, valuable as it has been, does not meet present-day requirements. It is therefore suggested that further development in four respects is desirable:

ACTIVITIES SHOULD APPEAR IN THE BUDGET

First, the activity rather than the function should be made the organization unit of appropriation. For example, police protection is a function of government. Foot-patrol, traffic control, and detection of crime, are among the principal activities that constitute police protection. Neither legislators nor the public can measure the emphasis being placed upon activities by administrative officers unless such activities appear in the budget, and are adhered to as authorized.

During every so-called crime wave, public departments are criticised for checking up overtime parking while gun men are at large. Yet seldom are either citizens or authorities in a position to say what proportion of the department is actually working on crime prevention. Similarly, the frequent comparisons of police departments on basis of area or population appear almost worthless unless the relative strengths detailed to traffic, detective, harbor, sanitation, and clerical forces are known. Police departments are only illustrative. The same principle applies to most others.

A CONCRETE PLAN OF EXPECTED ACCOMPLISHMENT

Second, the budget procedure should set up a complete picture of what it is hoped to accomplish ultimately by governmental means. To illustrate: A city on account of its high infant mortality decides to enter the field of home nursing. The health authorities request an appropriation to provide for a number of visiting nurses who call at each home after a baby is born and make additional calls if the character of the home is such as to render such calls of value. A reduction in the infant death rate follows. In the next budget, more nurses are requested and a further reduction of the death rate is secured. Corollary activities may by inaugurated, such as additional milk inspection, free milk stations, free clinics for children, school inspection, and eventually school feeding. The lowering of the death rate is a highly desirable thing. Public health is purchasable. By the mere expenditure of funds, human life can be saved. Babies are precious, no matter what their heredity, and besides it can be demonstrated that it costs the municipality less to save them than it does for the private individual to bury them. All this supports an appeal for more funds. But there is seldom a single word in the appeal that gives the administrator, the council, or the public a picture of the ideal to be accomplished. No one knows whether the department of health is doing 1 per cent or 80 per cent of the job a municipality may be expected to do in this connection. Nobody has stated the practical minimum death rate that can be expected, the cost in dollars to secure that death rate, and the plans made for approaching that ideal.

In other words, a request for funds, whether it applies to death rates, clean streets, or the use of playgrounds, has no quantitative value until compared with some other figure. The problem of budget making is not to deal with generalities but to deal in specific percentages of possible accomplishments. To this end, when a request is being made upon the legislative body for funds, such a request should be accompanied by a statement of exactly what ideal the department head expects to approach in that particular service, indicate what percentage of that ideal can be achieved through the appropriation requested, and leave the ideal open to criticism by those who may not be as enthusiastic about the project as the specialist in charge.

WORK UNITS

Third, it is suggested that the budget be expressed in terms of work to be accomplished as well as in material things to be purchased. Commissioners of public health, public works, and recreation, seldom say: "If you will give me so much more money I can make so many more visits by nurses, save so many more lives, clean so many more units of streets, and provide recreation for so many more children." These matters may be discussed informally and incompletely before the legislative body, but they are seldom set down in intelligible shape for public information and with a knowledge of how closely we are approaching the ideal to be accomplished. It was a great improvement in budget making when lump sum appropriations were broken into a uniform classification of things to be bought with the money appropriated. The next big step in budget making may be when these segregated items are put together again in terms of actual units of results to be secured. The merits of such a proposal appear too obvious to warrant lengthy discussion.

UNIT COSTS SHOULD BE SHOWN

Fourth, in support of the proposed work program, should appear a statement of the actual unit cost of work done and estimated unit cost of work proposed. The preceding items have been concerned with quantity and quality of work but not primarily with its cost. This last recommendation has to do entirely with costs. The conception of an ideal administration of public affairs may be summed up in the phrase, "a business administration." But private business through the income statement and balance sheet has automatic measures of the merit of its budget and its operations. Of course the budget in industry is in its infancy. Public business has no such automatic and definite measures. There is no profit or loss, and surpluses and deficits are not necessarily an indication that an administration has been good or bad, but only whether there has been a careful adherence to appropriations. The public balance sheet, when it exists, does not furnish even a rough criterion of efficiency and adequacy of services.

Further, there is no competition in public business, which is the great stimulus to effective and wasteless operation in private business. It is seldom that one can turn to a city activity such as a public lodging house and say it costs $1.50 a day per inmate as opposed to 40 cents a day for a guest at a Mills hotel, to quote from a recent NATIONAL MUNICIPAL REVIEW. Rarely is a city in direct competition with private industry, and when it is, the operating figures are usually too obscure to permit comparisons.

Effective budget figures must be based upon operating unit cost figures and be so framed that comparisons can be made between one year and another, between sections of the same city, and between similar cities. Then it will be reasonable to expect commissioners of public health, street cleaning, and recreation to say in support of their budget requests, "During the current year with the money received, I performed so many units of work, each unit cost so much, these unit cost figures compare in such and such a fashion with the figures of a year ago and the reasons for the unit decrease or increase are these. Next year I propose to do so many additional units of work and I anticipate that my unit cost will be such and such." If such were the case, it would soon be possible to add that the unit cost of performing similar activities in such and such cities are these, and the reasons for divergence be explained.

These facts in connection with the production of services for the benefit of the public are as essential as they are in the manufacture of automobiles for the mutual benefit of the public and stockholders. The only reason these facts have not been developed is because the public has furnished practically unlimited funds for which no detailed accounting has been necessary. In other words, there has been no development of the audit, just as there has been no development of budget procedure. Every year cities spend thousands of dollars seeing that expenditures are not made unless properly authorized, in examining the additions of vouchers, and in assuring the public that their servants have been honest in the strictest sense of the word. But scarcely a penny is spent for auditing operations, in checking the effectiveness of these honest expenditures, in indicating the amount of work produced, and in assuring the public that their servants have been efficient as well as honest. The next step in budget making is to make the operating audit just as essential as the financial audit.

OPERATING REPORTS

Now an operation audit means operation reports. Facts cannot be gotten annually for the appropriation ordinance unless facts are currently available for administrative guidance. If the administrator knows daily the units of work and the unit costs of such work, he is in a position to check daily the operations of subordinates. He may have before him daily, monthly, and yearly, consolidated statements of such operations which will permit him to modify his methods and meet the exigencies of occasions. Such consolidated reports coming from every department and covering every activity of the city,—and there are perhaps only a hundred measurable activities in every city,—furnish in turn, to the chief administrator, the city manager, or the mayor, or whatever you may choose to call him, an equally clear statement of the progress of his departments from day to day, week to week, and month to month. Given to the press and to the public, these operating statements would furnish an outside check, that should go a long way towards stimulating a degree of efficiency in public business at present unknown.

Also, such operating reports would provide simple tests of administration that would facilitate public judgment upon the government of any city, and comparison between cities. Conclusions then need no longer be drawn from vague impressions, prejudices, and newspaper headlines, but could be based upon readily ascertainable facts.

Nothing has been said here that students of applied political science have not been discussing for as much as ten years. But perhaps the mere restatement of these principles may hasten their materialization.

THE MUNICIPAL AIR TERMINAL

BY ARCHIBALD BLACK

Consulting Aeronautical Engineer, Garden City, N. Y.

The importance of aircraft terminals to the city; why they should be municipally controlled; the steps necessary to create them and how construction cost may be kept down. :: :: :: ::

LOCATION "on the airline" is destined to become of great importance to all cities and probably of vital importance to the lesser cities. This is not a matter to be relegated to the civic successors of some dim and distant date; it is a matter which should be carefully considered to-day. No means of transport which offers so much in the way of increased speed can long remain as little used as aircraft are used to-day. The growth will come very soon and will probably be very rapid when it does come. It therefore behooves the civic officials to look ahead a year or two and make some provision for aircraft landings before the one or two really suitable sites in their particular locality are either snapped up by some air transport firm or are devoted to some other purposes.

THE MUNICIPALITY MUST CONTROL THE BEST SITE

Strange though it may sound, most cities have only a few sites which are entirely suitable for air terminal purposes. If these are left to be developed by some air transportation corporation, to-morrow the city may find itself at this firm's mercy so far as rapid intercity transportation is concerned. The obvious solution is the provision of an air terminal owned or controlled by the municipality and open to all on even terms. Hangar space and other facilities can be leased to private owners, small operators, and also to air transport firms when the latter serve the city in question. Such arrangement, if the site is carefully selected and the terminal properly planned, puts the municipality in control of the situation from the start. In addition, it offers the greatest possible inducement to air transportation firms and to occasional flyers to make that city a stopping point on their way, if not the end of their journey.

DANGER OF BEING MISLED BY LIMITED ACTIVITY OF TO-DAY

Several of the largest cities in the country, such as Chicago, Philadelphia, Detroit, Boston, Kansas City and many others, have already given serious consideration to this problem. Some of these have already constructed municipal air terminals, while others are now contemplating similar action. This should impress doubters with the fact that this talk of airlines within the next few years is not confined to visionaries or to little towns looking for publicity. Hard-headed business men throughout the country have sufficient appreciation of this to favor liberal expenditures, by their respective cities, to ensure their being on the air routes. Detroit recently passed a referendum authorizing the city officials to construct "several aviation fields." And Detroit is recognized for its ability to anticipate the future.

STEPS TOWARDS A MUNICIPAL AIR TERMINAL

When any city decides to investigate the practicability of establishing a municipal air terminal, the first step should be that of appointing a municipal air terminal commission. The work of this commission would be that of studying possible air terminal sites within the city limits or sufficiently close to these for practical purposes. This is somewhat of a technical matter and should be handled by either a well-rounded committee or by an air terminal specialist engaged by them for the purpose. In the primary selection of sites, the following elements should be given consideration (although not necessarily in the order given) and the report should be prepared by some engineer who is sufficiently familiar with every one of these to balance intelligently each of them against the others:

Adaption to airplane use.
Adaption to seaplane use.
Adaption to airship use.
Meteorological conditions throughout the year.
Location with reference to other air stations, the airway and city.
Type of soil and its drainage.
Transportation facilities.
Communication facilities.
Available water, electric power, etc.
Surrounding territory and its effect upon use of the site.
Local meteorological characteristics which might affect use of site.
Cost of the property.
Extent to which the terminal may be used.

CONSIDERATION OF SITES

After the various sites which are being considered have been investigated along these lines, it will usually result in the elimination of the most of this original list and in the confining of further study to one or two sites. The next step, before acquiring any property, should be the preparation of rough preliminary layouts for each of the remaining sites. These should be just sufficiently in detail to show which site is the most satisfactory all around, considering cost, safety and general suitability. A report, recommending a certain site or sites, can then be prepared, and the next step becomes that of negotiating for the lease or purchase of the most desirable site. Just how much of the report on the site should be made public before negotiations are closed will depend upon local conditions. As the property being considered will not usually be a class which changes hands frequently, it may be possible to obtain a short-term purchase option without cost and as one of the conditions of consideration of each site. This would eliminate attempts to increase the asking prices for properties upon completion of the report.

ARRANGEMENT OF THE TERMINAL

When the proposed arrangements of terminals are being worked out on paper, each of the features previously mentioned should be considered. In addition, careful consideration should be given to each of the following additional points:

Orientation of site to be purchased.
Arrangement of runways for taking-off and landing.
Grading and surfacing of field.
Drainage of field, if required.
Arrangement of seaplane launching ways, if any.
Location of mooring space, fairway and channel, if seaplane station.
Building arrangement.
Provision for future expansion, either on property being considered or on adjoining property.

After the matter of acquisition of the site has been disposed of, and when the final plans for the terminal are being prepared, the following points should be added to those already given for consideration:

Building construction.
Runway and roadway construction.
Fire protection.
Insurance considerations.
Field and international markers.
Station maintenance equipment.
Station operating equipment.
Aircraft repair equipment.
Night flying equipment.

At the risk of it being regarded as propaganda for the landing field engineer, let me, once again, stress the importance of having this work properly balanced. It is asking too much of even the best of pilots to expect him to work out a balanced arrangement unless he has made each phase of the work a special study for a few years. If the services of some landing field engineer cannot be obtained, I would advise (as the best substitute) that a committee be appointed to select the field and work out the arrangement and that this committee include the following men:

A capable, all-around, aeronautical engineer.
An airplane pilot (where airplanes are to be provided for).
A seaplane pilot (where seaplanes are to be provided for).
An airship pilot (where airships are to be provided for).
A meteorologist with aeronautical experience.
A grading and field drainage engineer.
A building constructor, familiar with buildings for industrial purposes.
A roadway engineer, familiar with the less expensive types.
A fire protection or safety engineer.
An insurance engineer with aircraft experience.
Air station manager or field mechanic familiar with equipment.
Real estate expert, familiar with local values.

This imposing committee is not necessary if the services of a landing field specialist are available. He can be relied upon to obtain, from such men as are included above, what information may be necessary to supplement his own knowledge, while his experience enables him properly to balance each viewpoint.

IMMEDIATE NECESSITY FOR AN AIR TERMINAL

It is, by no means, essential that a terminal be completely equipped at the start. What is far more important is the provision of a suitable site with very limited equipment but the development of which has been started along a very comprehensive plan including provision for additions to the buildings and equipment from time to time as conditions warrant. The first essential is the provision of runways for airplanes to take-off from and land upon. (If the terminal is to provide for seaplanes, some launching ways, or similar means, will also become essential.) The dimensions of runways required will be affected by the altitude of field and type of machines, but for sea level and the general run of airplanes, they should be between 2,500 and 3,000 feet long. They should be arranged, with reference to the direction of the higher velocity prevailing winds, so that the airplanes may take-off directly into these winds for the greatest possible number of times. In considering the wind records, those winds of less than about 10 miles per hour may be neglected. The arrangement of runways is usually best obtained by the use of a square plot with runways arranged diagonally on it, although L or T-shaped plots can be used. Where such shapes are used, the legs of the T or L should not be less than about 1,000 feet wide. The site should be level within 2 per cent, preferably within 1 per cent. All mounds should be removed and hollows or ditches filled. A crop of tough, all-year, grass should be raised and, if the soil drains poorly, an effort should be made to provide artificial drainage. If funds do not permit draining the entire field, it is advisable to drain the portion of the runways likely to be most used. These same portions should also be surfaced with cinders, gravel, or other available material, for a distance of about 1,000 feet, to a width of about 75 feet. If limited funds do not permit this amount of surfacing, the arca might be decreased to 750 by 50 feet, which is probably the minimum area that is worth surfacing.

ESSENTIAL BUILDINGS AND EQUIPMENT

As to the buildings and equipment necessary, the most advisable policy is that of developing a complete building arrangement in the plans and then providing immediately only such items as a gasoline and oil shed, hangar, wind indicator, field marker, fire extinguisher and telephone connection. As the use of the station grows, other buildings and equipment can be added in accordance with the original plans. Only in this way can a really systematic arrangement be obtained when the station is fully developed at some future date. It is well to note here that, under certain conditions, the Air Service will agree to furnish hangars free of charge if these are erected at the expense of the city. In many other ways such as this, the initial outlay can be kept down.

To sum up, the urgent necessities are three: (1) Get a suitable site under municipal control; (2) prepare a comprehensive plan for its ultimate development; (3) construct as much of the planned development as available funds and the immediate use of the terminal justify. Above all, do not attempt to acquire any site, or to arrange an air terminal, without capable advice, and do not rely too greatly upon the advice of some ex-flyer with a fine war record but who is not in close touch with developments of the past four years. This advice, if heeded, may save both money and (what is much more important) life, later on.

CHICAGO'S OLD FIRST WARD

A CASE STUDY IN POLITICAL BEHAVIOR

BY HAROLD D. LASSWELL
University of Chicago

We have all heard of "Bathhouse" Coughlin and "Hinky Dink" Kenna and they can be duplicated in any large city. But what about their constituencies? What are their hopes and fears and politics? And why? :: :: :: :: :: :: :: :: ::

ONE aspect of the task of the systematic student of politics is to describe political behavior in those social situations which recur with sufficient frequency to make prediction useful as a preliminary to control. In every urban area large enough for segregation to take place there are substantial areas in which residential property is radically depreciated through the encroachment of business enterprises. When these are organized into a political unit under universal suffrage, they display somewhat distinctive types of political behavior. This paper is an attempt to describe such behavior, using the First Ward of Chicago as a case in point.

A DEPRECIATED RESIDENCE PROPERTY AREA

The First Ward includes the central business section and the light manufacturing and lodging house area to the south. The steady encroachment of industry has driven out the home makers, and but a tenth of the developed property of the ward is used for housing purposes.

1. Low rentals and proximity to transportation induce the *industrially handicapped* to congregate in this area, and this includes those who are handicapped by lack of funds, technical skill, or language skill. On South State Street six blocks are given over to the casual laborers (the hoboes), with whom are billeted beggars, panhandlers, peddlers and junk dealers. Twelve hundred Chinese are congregated in Clark Street below Van Buren and in the Wentworth-Archer-22nd Street triangle. At various places the South Italians, Sicilians, negroes and Austro-Hungarian nationalities are localized.

2. *Visitors* congregate near the depreciated property area because it is closely associated with the central business district in which the attractions of the city are located and where the railroad passenger terminals converge. Visitors spell mobility with its accompanying anonymity. Freed from the conventional restraints of the home environment, they are susceptible to new, and frequently unconventional, experiences.

3. *Moral rebels* find a congenial habitat in the disintegrated areas. These range from the erratic non-conformists—many artists, hoboes, and radicals—to the predatory groups who use the anonymous life of the locality as the base of operations against the propertied wards.

4. Wealthy *clubmen* with city-wide interests live in exclusive institutions

within the geographical confines of the ward, though scarcely participating in such neighborhood life as does exist.

In short, the depreciated residence property areas accentuate the disintegrative factors present in every community, and introduce sharp segregations about acquaintance nuclei which have practically nothing in common as far as the long-run interests of the neighborhood are concerned.

POLITICAL BEHAVIOR

What, then, are the typical political phenomena observed under the conditions sketched above, circumstances which are duplicated in varying degrees in every city? It must be understood, of course, that the statements here reflect merely quantitative degrees of difference as compared with the behavior of, let us say, residential neighborhoods.

1. Where the industrially handicapped live in large numbers and the government offers unskilled jobs on a patronage basis, some *leaders will emerge to act as intermediaries, dispensing jobs in return for political support.* John ("Bathhouse") Coughlin and Michael ("Hinky Dink") Kenna have closely knit precinct organizations which serve as informal employment agencies, connecting needy workers with the street cleaning department of the government and the construction gangs of utility companies. The industrially handicapped have, in times past, been advanced rent, fed, and sent on their way rejoicing and subject to call for political service.

EFFICIENCY MEASURES UNPOPULAR

2. When the power of the leaders depends on patronage and the jobless men of the area need work, it is not surprising to find that *leaders and the rank and file oppose efficiency measures and favor high expenditures.* The aldermen of the First Ward opposed the extension of the merit system to street cleaners, opposed the competitive system of letting contracts, and voted against non-partisan committee organization of the city council. The willingness of the aldermen to boost appropriations accurately reflects the sentiment of the ward, as shown by the attitude of their constituents on a recent referendum as contrasted with the attitude of a wealthy residential ward:

SHALL $8,000,000 IN BONDS BE ISSUED?

(February 22, 1921)

Ward	*For*	*Against*
1	6,374	889
7	5,673	7,608

3. Such a community, possessing moral non-conformers, wants "*personal liberty*" and acts toward men and measures on this basis. Personal liberty is taken to mean freedom from the imposition of the *mores* of the residential districts on the community, especially with reference to vice and the saloon. Alderman Coughlin, who has been the orator of the Kenna-Coughlin partnership, takes the personal liberty theme perennially. When the issue is drawn, the community rallies to the standard of its protectors. It was the 1914 campaign made by Miss Marion Drake on an anti-Coughlin-Kenna-vice platform which revealed the true attitude of the ward:

	Men	*Women*	*Total*
Coughlin, Dem.	4,977	1,729	6,706
Drake, Prog.	1,654	1,137	2,791

Miss Drake was assisted in her vigorous campaign by parades and demonstrations staged by art students and student nurses, and supported by ministers and social workers from all over the city. The women's clubs had long taken an interest in the morals of the First Ward (some members visiting the burlesque shows personally to discover the depravity of the locality), and it is little exaggeration to say that the First Ward was honeycombed with moral reformers, inspectors, and investigators.

Naturally the people of the First Ward are tired of being examined by the curious from all over the city. They resent the interference of the moralists. They regard themselves and their chiefs as persecuted for personal liberty's sake. Nothing serves to consolidate the affection of the ward for "the little fellow" more closely than a "clean up" campaign engineered from outside or from the expensive hotels of the neighborhood.

THEY VOTE FAITHFULLY—THUS THEIR INFLUENCE IS DISPROPORTIONATE

4. The people *vote more faithfully than the electorate of the residential wards*, for the voters of these areas have more to gain immediately by participation, and these things are (1) freedom to live their lives according to their own code, and (2) opportunity for employment. The election of April 6, 1921, is not untypical. Although the Seventh Ward showed a registration 10 per cent higher relative to population than the First Ward, 27 per cent of the registered voters of the First Ward participated, as contrasted with 7 per cent of the Seventh Ward registrants who voted.

5. The disintegrated ward tends to *wield more than its proportionate influence in politics over short periods of time.* This is not only true because the First Ward has such a substantial proportion with tangible stakes in the government, but because it tends to be overrepresented between the decennial reapportionments. Before the last redistricting went into effect this ward had 46,000 people as compared with 150,000 in a rapidly growing ward, the Twenty-Seventh. Disintegrated wards are "disappearing wards."

6. *Where large pecuniary interests require the exercise of government powers, the influence which the leaders possess by virtue of jobs and protection is freely used to satisfy them.* The aldermen from the First Ward have been favorable to, and occasionally initiators of, proposals for granting franchises condemned by the Municipal Voters' League as securing inadequate compensation for the city.[1] The aldermen have secured the passage of ordinances granting exceptional privileges to certain of the large downtown department stores.

Real estate firms tend to have a vested interested in the lax administration of law in these areas. During the period when property is incapable of yielding high incomes for residence purposes, large firms and many wealthy individuals purchase property as a speculation in anticipation of the rising tide of business. Commercialized vice is one of the most profitable sources of income during this period of transition, and large real estate firms outwardly respectable rent for houses of ill fame. The Chicago Vice Commission revealed that in 1910 eight of eleven large loop companies were willing to rent property for sporting house purposes, though many of the clients of these firms were innocent of the way in which their agents conducted business.

POLITICS A MAN-TO-MAN PROPOSITION

7. *The political leaders are men of their word. They know how to play the rôle of helping out a fellow who is temporarily unlucky.* Kenna declares in personal interview that "my success is due to honesty." His word is as good as his bond. Said a Salvation Army

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[1] Specific instances cited in the M. V. L. summary of franchise legislation, 1898.

captain to the inquirer, "'Hinky Dink' is the squarest man God ever made." And when these men give aid there are no questionnaires to fill out and no grand flourishes of the self-consciously beneficent. It is a man-to-man proposition. Personal and primary virtues of loyalty and fellowship are exalted; the reason oral bonds are observed so strictly is that some of the arrangements within the group will scarcely bear the scrutiny of the efficiency theorists of the residential wards.

8. *Leaders find that political manipulation offers a lucrative career.* Acquaintances are made by working in cigar stores, saloons, restaurants, lodging houses; or by engaging in a modest real estate and insurance business. "Politics pays" in Ward No. 1, and it offers a chance for the expansion of personality, for the control of men, and for the achievement of that distinction which comes from broad contacts and preoccupation as a "man of affairs." On the financial side it is a matter of common knowledge that Mr. Kenna's personal representatives in the real estate business are heavily interested in North Shore apartments.

BUT IMPROVEMENT GOES FORWARD

9. *When measured over a term of years, property improvements, administrative efficiency, and moral conformity have all been on the increase in these areas.* As far as property improvements are concerned, the reason for this has already been indicated with sufficient clearness—new boulevard lights, new public buildings, new paving spell jobs. In this particular the interest of the First Ward and the real estate men and residence owners is the same.

The increase in efficiency and moral restraint must be accounted for differently. In general, the residence wards tend to be politically apathetic because political participation does not affect them so obviously as it does a large proportion of the lodging house areas, and because they have a greater range of interests. They leave the running of the government in the hands of the professionals, and if vice and crime do not become *too* conspicuous, and if property improvements are looked after, there is little to complain of. If there is a slight overcharge (sometimes called graft) on the part of the professionals, it may be regarded as a fee for special service.

But pressure for the enlargement of the fee and the loosening of judicial administration is persistently influencing the leaders of the depreciated property areas. Over a period of time this results in mounting taxes, some conspicuous instances of excess payment and a crime wave. The taxpayers of the residential wards are aroused from their lethargy, and a crusade for efficiency and righteousness in government takes place. The mayor, elected on a city-wide basis, is the target, and the council is quickened. New devices are put into effect and tend to become habitual. Thus it is that successive waves of crusading zeal, political cycles of reform, tend to leave progressively better conditions throughout the entire municipality. Rev. Johnston Myers, pastor of the famous Emanuel Baptist Church, says emphatically on this point that "Conditions are so much better now than they were twenty-eight years ago that there is no comparison. One couldn't go ten blocks in certain streets without being solicited by fifty women. Now all is changed."

Thus an accommodation exists between the property improvement-efficiency-moral residence wards and the job hunting-high expenditure-personal liberty lodging house areas. Because these characteristics are mere variations of degree, the conflict is seldom clear cut, except in the crusading intervals.

And this accommodation will continue to exist, at least until the residents of the outlying wards provide adequate social machinery for administering to the needs of the industrially handicapped who seek refuge in the mobility wards. For, as we have seen, the foundation of the "boss system" is really laid in human ministering to human needs—human needs for personal help in getting a job, in getting adjusted to a new world, and in securing a career which brings its due of social recognition.

MAKING 'EM RIDE

THE CIVIC SIDE OF THE WEEKLY STREET CAR PASS

BY WALTER JACKSON

Fare and Bus Consultant, Mount Vernon, N. Y.

Approximately thirty cities have introduced the weekly street car pass. It is transferable and you ride all you want to for a dollar or so a week.

In the summer of 1919, while engaged as fare consultant to the Milwaukee Electric Railway & Light Company for its Racine (Wis.) lines, the writer found it desirable to recommend an adaptation of the old-time foreign season ticket. This he dubbed "The Unlimited Ride, Transferable Weekly Pass," a term that is almost self-explanatory. To make it entirely clear, however, the designation may be explained in parallel with the older style of unlimited-ride transportation that suggested the weekly variety.

"Unlimited ride" is common to most season tickets. Abroad, such tickets are good only for the original purchaser, whereas the writer suggested that they should be "transferable" or good for bearer. There were practical reasons for this. One was that we wished to popularize the pass, which meant the avoidance of contract forms and all special effort on the part of prospective purchasers. Therefore, unlike all preceding season tickets, the weekly pass is purchasable on the car exactly as if one bought a single ride.

Another reason for making the pass "transferable" was the practical impossibility of identifying a passenger on a street car. This may be possible on a suburban train where the same conductor meets the same group of passengers every day and has ample time for inspection; but it is not possible in short-headway, crowded-car city operation. Therefore we made a virtue out of necessity by blazoning the fact that one could transfer his privilege of unlimited riding to others. Now, as a matter of fact, our advertising is intended to make the pass so useful in its purchaser's eyes that he will be most loath to give it to others—he has too many occasions to benefit from its use himself. So we find by experience that the average number of rides taken per transferable pass per week for cities of given size does not vary materially from the averages for non-transferable "seasons" given to the writer in Europe, namely, 21 to 23 a week in the very largest cities and 28 to 32 in towns which are small enough to permit riding home for lunch.

"Weekly" is the next word that calls for explanation. Abroad, no pass is sold for less than a month. The usual minimum is three months. This places the season ticket beyond the reach of many clerks and workingmen. Another reason why the poorer classes do not buy such tickets is that most European roads are saddled with the so-called workmen's fares. These fares call for a lower rather than a higher rate during the rush hours. They are of no real benefit to the worker because every employer figures fares in his wage scales.

By placing the pass on a weekly basis, we adopted the shortest possible calendar period and thus did not have to ask for an outlay beyond the worker's means. The week is generally the period from Monday morning to Sunday midnight because Monday is the day that has the greatest number of industrial riders. In one case, the pass runs from Sunday morning to Saturday night as the railway serves a suburban community in which Sunday is the most important traffic day, barring Saturday with its large number of shopping casuals.

"Pass" may be amplified by pointing out that as applied to American street car practice it means the elimination of all change-making and of the distasteful transfer.

HOW THE PASS INCREASES CAR RIDING

In placing the weekly pass before the public, the writer has stressed this fact: generally speaking, we cannot decrease the rate of fare if people will ride only when they have to, namely, to and from work in the rush hours. There is only one way to get a lower fare and that way is to take more rides without a corresponding increase in operating expenses. This means that people must take more voluntary rides, such as the trip made for pleasure or the trip that could be made on foot. Hence, the basic idea of the pass is to offer unlimited use of the service to those who are willing to pay a little bit more than the cost of their compulsory rides.

To illustrate, Fort Wayne's fare to the person who rides infrequently is 7 cents; to the person who rides at least often enough to stock up with four tickets, the fare is 6¼ cents (4 tickets for 25 cents); and to the person who gives the company the equivalent of 16 ticket fares ($1.00) a week in advance the fare is as little as he cares to make it. In practice, the pass rider averages a fare between 4 and 5 cents and is saved all the bother of the less steady patron who has to provide himself with change, tickets or transfers. The pass rider merely flashes his weekly card so that the color and surprint number are visible to the conductor—and passes on. There is no searching of pockets or unbuttoning of overcoats for him.

Now it goes without saying that once a person buys a pass he is eager to use it at every opportunity. Instead of avoiding the car, he waits for it. Even though he may not have occasion to ride in the middle of the day or in the evening, the transferability of the pass to wife, child or neighbor, makes possible such averages as four to five rides per pass per diem. Since only two rides are physically possible during the rush hours, it is obvious that the extra rides, no matter by whom taken, must occur during the off-peak hours when there is ample room. This is what makes the pass plan practicable financially. It does not necessarily produce an increase in revenue, but it does make possible a very large increase in the usefulness of the railway through offering for next to nothing a lot of service that would otherwise go to waste.

SPEEDING UP COMMUNITY ACTIVITY AND INCREASING GOOD WILL

What new purposes does a passholder fulfil when he turns from a two-times-a-day into a four-times-a-day rider?

He (in smaller cities) goes home for lunch, thus enjoying more time with his family.

He goes oftener to churches, lectures, lodge meetings, theaters, parks—community gatherings of any and every sort—because he does not have to consider the cost of carfare. Naturally, if he goes oftener, then his wife, sweetheart, child or other companion goes oftener also.

The younger man may use the pass for gymnasium and night school.

The woman passholder uses the pass for more face-to-face shopping instead of purchasing by telephone. Face-to-face shopping is far more satisfying to the local merchant. He gets a better idea of the customer's tastes, he can sell her more goods, he can induce her to carry some of the purchases home and he knows that she will return less than if she had ordered the material before seeing it.

In general, the passholder comes to look upon the street railway precisely as upon an elevator, namely, that it is there to be used without regard to cost. He had seen nothing strange about riding *down* a couple of floors, while refusing to pay fare for a half-mile ride *uphill*. When the extra use of the street car costs nothing or almost nothing, he uses it as freely as an elevator. Why not ride even a block if the rain is falling or there is a package to carry? What's the use of letting a car go by anyway? So the passholder rides and rides, for when he bought the pass he made a good-natured bet with the railway that he was going to get his money's worth and then some. Best of all for the street railway is that each passholder is a booster and business solicitor who brings many a fare through his companions.

RATE OF FARE TAKEN OUT OF POLITICS

From the foregoing somewhat sketchy outline, it will be clear that the weekly pass is of great civic value in two ways: First, it makes for larger attendance at any kind of gathering for shopping, for instruction, for entertainment and social life generally; second, it takes the question of rates of fare out of politics almost entirely. The latter statement is not a fervent wish, but a cold fact. The reason is simply this: The pass gives such a big reduction in fare to the truly consistent customer and makes his purchase of the ride so agreeable that the real railway patrons and their families no longer have any cause for complaint. The rest of the community, comprising occasional riders, has no just ground for complaint in paying for retail riding more than the others pay for wholesale riding. For the first time, then, the car ride is being sold on the business basis of a wholesale rate for wholesale use.

It must be borne in mind that the purchase of reduced rate tickets by anyone does not imply that he is a regular rider. He may be an auto user whose car is laid up. Why favor him? One is not proved to be an everyday customer merely through the purchase of say six tickets that can be used any time and divided among six people if desired. On the other hand, when a patron buys a weekly pass at a given price, he has paid a definite sum for the fixed period of seven days. As the pass can be used only by one person at one time, we are indifferent as to whether he or someone else chooses to ride during the week of validity.

So where the weekly pass is properly introduced, it differentiates each class of rider so clearly that it is no longer possible for scheming realtors or disgruntled merchants to start agitation in the names of supposedly regular patrons. This protection is worth a lot to any railway.

It may be observed, also, that the weekly pass has the merit of awakening the auto user to the fact that the street car still has quite a few merits over the personal car so far as city riding goes. Many people have simply drifted into the habit of using a personal car, although the traffic and parking conditions of to-day often mean that the auto driver actually saves no time and suffers more exasperation than pleasure. These people, however, would not care to go back to the street car so long as it is associated with the change, ticket and transfer bother from which the personal car had freed them. It is only through the pass that they are given the same set of gratifications, viz., no feeling of expense every time a ride is taken, no standing in line, no fussing with small change or tokens, no handling of the irritating transfer. On top of all that, the convert is now able to read his paper as in the days of yore, he lets the motorman do the worrying about traffic regulations and he no longer allows his car to stand in sun or rain all day long on the public highway subject to the whims and wiles of everybody else. The same vanity that makes a person desirous of showing off with a personal car is exploited in selling him a pass which he can flash proudly while *hoi polloi* stand at the farebox!

A VARIETY OF PASSES DESIRABLE—SHORT-HAUL FARES, OFF-PEAK RATES, ETC.

It must not be supposed for a moment that the unlimited-ride weekly pass is the only thing an electric railway can do to increase its usefulness to the community without impairment of revenue. The pass takes care of people who have a legitimate reason for compulsory riding twice a day in the same community in which they live. However, it does not take care of most housewives who could advantageously increase their average from say six to twelve rides a week. For this class, the writer recommends a lower rate pass, good not only during non-rush hours of workdays but all hours of holidays. In several installations, also, use is made of a school pass which enables non-earning children of school age to secure unlimited riding privileges.

There are also occasions where the pass can be supplemented by special ticket rates, either for off-peak hours on all days or on specific days like the "dollar sales" campaign of local merchant groups. Finally, for the large city with a business and amusement center more than a mile long and with a variety of sub-centers, there is the graduated or zone fare. From this we see that while the usual all-hour weekly pass serves up to 50–55 per cent of the traffic, it can be supplemented to advantage by a variety of other schemes to secure "more revenue from more riders."

PASS NOW USED IN COMMUNITIES OF EVERY SIZE

In conclusion, the writer gives a list of all the twenty-seven pass installations effective at the time of writing this article, although, at the time of printing, this list may be augmented by a dozen or more on which he has made reports. In giving the list, it may be mentioned that the price of the standard city pass for adults varies from 85 cents to $1.25, while zone or cross-country passes go up to $2.25. There is no more reason why all passes should be the same price as why all single-trip fares should be uniform. The dollar rate is the most popular at the moment. A list of installations follows:

City	*Population Served*
Ashtabula, Ohio	22,000
Astoria, Ore.	14,000
Beaver Valley Traction Co. (zones, New Brighton, Pa., etc.)	....
Chicago Elevated Railroads	2,700,000
Everett, Wash.	30,000
Franklin, Pa.	10,000
Fort Smith, Ark.	34,000
Fort Wayne, Ind.	100,000
Gainesville, Ga.	10,000
Houghton-Hancock, Mich., and other towns (zones)	....
Kenosha, Wis.	44,000
Morris County Traction Co., New Jersey (zones)	....
Paducah, Ky.	30,000
Pine Bluff, Ark.	30,000
Piqua, Ohio	17,000
Pomona, Cal.	13,000
Racine, Wis.	60,000
Riverside, Cal.	19,000
St. John, New Brunswick	60,000
Santa Barbara, Cal.	18,000
Selma, Ala.	16,000
Tacoma, Wash.	100,000
Terre Haute, Ind.	75,000
Valdosta, Ga.	11,000
Vincennes, Ind.	17,000
Washington-Virginia Ry. (zones)	....
Youngstown, Ohio	175,000

From this list it will be seen that size of the city is not a factor in the use of the weekly pass. Nevertheless, there are conditions for which other forms of ride-selling rates are desirable, either in place of or supplementary to this character of charge. If this were not so, then Othello's occupation would be gone!

MUNICIPAL REPRESENTATION IN STATE LEGISLATURES

BY J. M. MATHEWS
University of Illinois

The locality principle of representation, with its attendant rotten boroughs, is giving way to the population basis. But this means that large cities are heavily represented and the country districts are afraid.

In the American states there are two main principles upon which representation is based: the first is the people *en masse*, and the second is the people by governmental subdivisions. Various combinations of these two main methods of representation are also found. The first principle of representation is adopted in the election of the state executive officers, such as governor, lieutenant-governor, secretary of state *et cetera*. This principle is also applied in the election of the presidential electoral college, United States senators, and members of the lower house of congress in states having but one member and occasionally in other states where the legislature has failed to provide as many congressional districts as the number of members to which the state is entitled. It is also applied in the operation of the state-wide referendum on constitutions, constitutional amendments and ordinary legislation. In all of these cases a vote cast anywhere in the state counts just as much as a vote cast anywhere else in the state. There is no over- or under-representation of one part or section of the state as compared with another. If the members of the state legislature were elected in a state-wide election on a general ticket, there would arise no difficulties connected with the division of the state into representative districts and there would be no possibility of a gerrymander. A combination of the general ticket plan with district representation might be worked out that would probably give greater satisfaction than the present plan, especially if the bicameral system were abolished and a one-house legislature introduced. The complete adoption of the general ticket plan of electing the legislature, however, is hardly practicable because it would make the ballot too long and would leave no room for minority representation. In all the states, therefore, we find that the legislatures are elected on the plan of district representation. These districts are either especially created for this purpose or are already used for local governmental purposes, or, more generally, a combination of these two kinds of districts is found.

ROTTEN BOROUGHS IN THE UNITED STATES

The earliest system of representation as established in England adopted the local community as the basis or unit to which representation was accorded without regard to population. It was natural that the same plan should have been adopted in the American colonies. Even until well into the nineteenth century, cities were comparatively small, and consequently, although population was not taken into consideration primarily in fixing representation, as a matter of fact there was no very great or serious divergence from the population basis of representation.

With the shifting of population in the nineteenth century, however, and the growth of manufacturing and industrial cities, many of the rural communities in the south of England came to be what were called "rotten boroughs." The same development also took place in the United States, until by the beginning of the twentieth century, the departure from the principle of popular representation had become very great and serious in some of the states. This was especially true in the case of some of the older states on the Atlantic seaboard, mainly in New England, where the town system of local government influenced the plan of representation. In the New England states, with the exception of Massachusetts, the constitutions generally provide that each town shall have at least one representative in the lower house. This general requirement is supplemented in Connecticut by the provision that no town shall have more than two representatives and in Rhode Island by the provision that no town or city shall have more than one-fourth of the total membership of the lower house. This narrowly restricts the representation of such cities as Providence and Hartford. In Rhode Island, the under-representation of the cities is further accentuated by the provision that each town or city shall have only one senator. In other states outside of New England equal representation of counties in the senate is found. Thus, in New Jersey, Maryland and South Carolina each county is entitled to one and only one senator. This provision produces great under-representation in New Jersey in the case of two populous counties, containing large cities. Baltimore is not affected by this provision, since it is not situated in a county, but a special provision limits it to four senators out of a total of twenty-seven, although it has about half the total population of the state. It is also limited to less than one-fourth of the representatives in the lower house. Wilmington, Delaware, is in much the same situation as Baltimore with reference to its representation in both houses. Philadelphia is also limited, though not so seriously as Baltimore, by the provision that no city or county in the state shall have more than one-sixth of the total number of senators. The constitution of New York limits the number of senators which any one county may have to one-third, and the number which any two adjoining counties may have to one-half. New York City, however, is not yet seriously affected by this provision, since it includes five counties and might, therefore, elect more than half the senators.

THE COUNTY EMPHASIZED

In about one-third of the states, the constitutions provide that each county shall have at least one representative in the lower house. This provision practically operates to restrict the representation of the more populous counties and to give undue representation to the sparsely populated counties because of the general policy of definitely fixing in the constitution the exact number of members in each house. In the states having county representation there are usually a number of counties having less than the representative ratio, that is, the quotient arising from dividing the population of the state by the number of members. There are some of these states in which some counties have even less than half the ratio. The resulting over-representation of such counties can be allowed, of course, only by depriving the more populous counties of some of the representation to which, on the basis of population, they would be entitled.

Even in states which do not have county representation, the counties are not entirely ignored, but it is usually provided that representative districts shall follow county lines and that, in forming such districts, no county shall be divided except when it includes more than one district. Where county lines are thus taken into consideration, it is impracticable to form the districts so that they shall contain exactly equal population. Even if this were done so that, at any given time, each district contained exactly the same number of inhabitants, this condition would quickly change with the shifting of population, so that inequalities would arise. In order to provide for this contingency, the constitutions usually provide that periodic reapportionments shall be made. The usual interval between reapportionments is ten years, and, in most states the figures of the Federal census are adopted as a basis. Where, as happens in some states, no requirement of periodic reapportionment is found, the inequalities are naturally greater. Even in some states where such a requirement is found, the constitutional provision has sometimes been ignored by the legislature, as in Illinois, resulting in a progressively increasing inequality between the different districts.

THE BASIS OF REPRESENTATION

Some states have adopted as a basis of representation not the total population but a restricted portion of the population, or the number of inhabitants remaining after deducting certain classes. Thus, Oregon adopts the white population as a basis; New York and North Carolina exclude aliens in determining the basis; Massachusetts and Tennessee base representation on the number of qualified or legal voters. The last-named provision would operate in most states to exclude aliens. Logically the voting population would seem to be a better basis than the total population. The theory involved in the second section of the fourteenth amendment to the constitution of the United States is apparently that representation should be based on voting population. Such a provision would operate against the large cities as compared with the total-population basis, since, in determining representation, the floating and alien population found in considerable numbers in most large cities would be eliminated. Such an elimination would naturally increase proportionately the representation of the rural districts, but, now that women have been granted full suffrage, the voting population would seem to be a fairer basis of representation than the total population. If a person is not considered fit to vote for representatives, there would seem to be no good reason why he should be counted in determining the basis of representation.

From this brief review of the provisions regarding representation found in the different states, we may pass to a consideration of the arguments for and against the different methods adopted. The historic New England system of equal representation of towns, without regard to population, however justifiable originally, is quite indefensible from the standpoint of its present operation. It is entirely out of harmony with the modern trend of democratic thought. On the other hand, the democratic theory should not be pushed to the extreme of holding that the lines of local governmental areas should be entirely disregarded and the state divided into equally represented districts containing absolutely equal blocks of population. The objections to such a plan are obvious. It would open a wide opportunity for gerrymandering the state on a larger scale and in a more obnoxious manner than when county lines are regarded. Even under present conditions, a comparison of party votes with party representation in most states shows that the percentage of the representatives in both houses controlled by the majority party is usually much greater than the percentage of its popular vote for governor, while the percentage of representatives controlled by the minority party is usually much less than the percentage of its popular vote. The constitutional requirement that the legislature shall consider county lines in making the apportionment tends to check somewhat the evils of the gerrymander. Mere representative districts formed without regard to county lines, moreover, would be quite artificial, while the counties have to some extent a social and political unity.

It does not follow from the above considerations, however, that each county should have a representative in the legislature, especially in states where there are wide variations in the density of population in different sections of the state. Such representation could not, as a rule, be granted, even in the lower house, consistently with equal representation for all parts of the state, without making that house entirely too large for efficient work. It might be argued that counties should have representation in the state legislature on the analogy of the system of representation in county boards of supervisors and in congress. In the county boards, it is true, each township usually has one representative, without regard to population, and, although populous townships may be allowed more than one, urban districts are usually under-represented. But the county has aptly been called the "dark continent" of American politics, and it is hardly likely, therefore, that we can derive much light on this question from that source.

It might be argued that each county in the state should have at least one representative in the lower house and support for this position sought from the fact that the constitution of the United States provides that each state shall have at least one representative in the lower house of congress. The analogy, however, is defective. The states, of course, are not federal governments, nor do the counties occupy the same position in the states that the states do in the union. Moreover, the operation of the provision would be different in the two cases. Such a provision in most states would give to a considerable number of counties over-representation, while in the case of the lower house of congress, Nevada and a few other states fall below the ratio of representation, but the amount of over-representation in this case is comparatively small. This result is due to the fact that the size of the house of representatives at Washington is greater than that of the lower house in any state and much greater than in most states. Moreover, there is no constitutional limitation upon its size such as is found in most states with regard to both houses of the legislature.

POPULATION AS A BASIS

When the Federal constitution was drawn up state pride was strong and the confidence of the public men of that time in the political capacity of the people was comparatively low. Much was said about the danger of popular assemblies being swayed by excitement and passion. The framers, therefore, provided for representation on the basis of population in only one house, and not fully on that basis even in that house. Since the constitution was adopted there has been a decrease in the feeling of state pride and a simultaneous growth in the general confidence in the political capacity of the people. Hence, it seems probable that, if the Convention of 1787 were meeting now in our present advanced state of thought upon these matters, it would accord a larger recognition to the principle of population as the basis of representation. On the other hand, it is no doubt true that, if the members of such a convention as that of 1787, whether meeting at that time or now, had reason to believe that any one state would ever have sufficient population to control the house of representatives, they would have introduced restrictions so as to prevent it.

THE CITY'S SIDE

In favor of representation in both houses in the state legislature on substantially a population basis, it may be argued that the legislature should not have the power of levying taxes and passing other laws which the people must obey unless the people have been accorded equal representation in the body which makes the laws. If large cities are not accorded the representation in the legislature to which their population as compared with that of the rural districts would entitle them, many residents of the cities may hold in disrespect a law in the making of which they consider themselves not to have been properly represented. Equal representation upon a population basis may therefore be conducive to a more effective enforcement of the law, since it tends to bring the provisions of the law more in accordance with public opinion, upon which its enforcement ultimately depends. If the code of morals of the cities and the rural districts differ so that no general law will meet the approval of state-wide public opinion, there is no good reason why either side should attempt to cram its code down the throat of the other by general law, but local autonomy in such matters should be allowed.

Again, it may be argued that there is no difference in principle between allowing every voter equal weight in choosing state executive officers and allowing him equal weight in choosing representatives in the state legislature. Through his veto power and his positive influence in legislation, the governor is as important a factor in the work of the legislature as a considerable group of that body. Yet it is not suggested that the cities should have less proportional weight than the rural districts in choosing the governor.

THE COUNTRY'S SIDE

On the other hand, one may sympathize with the feeling of the rural districts that they do not want to be dominated by the city political machine. But there is also a machine in the rural districts which one hears less about because it meets with less opposition. Most new movements and so-called radical ideas which point the way of progress and endanger the hold of the majority political party emanate from the cities, while the rural districts are inclined to be more conservative. If the rural districts are much over-represented, the need for carrying the elections in those districts becomes greater if the political party is to control the legislature. The efforts of the party organization may therefore be concentrated upon the rural districts with the consequent greater danger of corruption. On the other hand, it is probably true that in the rural communities where everybody knows everybody else, the voters can usually form a more intelligent estimate of the qualifications of the candidates and the machine may therefore be practically compelled to put up better candidates for the legislature in the rural districts than in the cities.

This is not a question upon which either side can afford to insist to the last ditch upon its extreme claims and refuse to compromise. The definite trend of modern democratic thought requires that the population basis of representation should be conformed to as nearly as practicable consistently with adequate recognition of the locality principle of representation. No county should have separate representation if its population is less than half the representative ratio, but should be combined with others to form a representative district. On the other hand, no one county should be allowed to dominate the legislature of the state in both branches.

A compromise of these opposing interests which readily suggests itself is that the population basis of representation should be adopted in one house and the community principle in the other, so that the urban districts shall control one and the rural districts the other. This solution seems attractive on its face, but objections may be urged to it. Such a device may lead to undue friction between the two houses and possible deadlock upon the legislative matters that vitally affect the interests of either section of the state. Moreover, it may lead to a division of party responsibility for the work of legislation, where one party has a majority in the city and the other in the rural districts.

HOME RULE A WAY OUT

If this form of compromise be rejected as inadvisable and if it be accepted as inevitable that complete adoption of the population principle of representation is impossible where it would lead to domination of the state by one city or county, there remain two principal avenues of escape whereby the city may emancipate itself from rural control. These are the initiative and referendum and constitutional home rule. The former avenue, if adopted, would enable the people of the cities to have proportionate weight according to population in direct legislation, without regard to the degree of their under-representation in the regular legislative body. This is probably one reason why the introduction of the initiative and referendum is opposed by the rural districts. Without regard to the contest between city and country, however, the initiative and referendum may be objected to on general grounds. The more promising avenue of escape for the cities, therefore, seems to be constitutional home rule of a broad and liberal nature. If the city is not allowed to govern itself through the legislature, then it must be allowed to govern itself directly.

THE FAILURE OF ENGLAND'S NATIONAL HOUSING SCHEME

BY W. McG. EAGER

Secretary, Garden City and Town Planning Association, London, England

England's scheme for national housing failed, economically and politically. But would any policy have succeeded? And the new Government has revived the scheme, minus, we hope, the defects of the old. ::

THE best friends of the housing policy adopted in England in 1919 admit its failure. Its enemies declaim "I told you so" at various pitches of intensity and with various degrees of credibility, for, sad to say, many who formerly posed as its friends are now its enemies. Dr. Addison, who staked his political reputation on the scheme, is politically dead. Sir Alfred Mond, who stifled it, is politically alive.

We intended to build 500,000 houses before July 31, 1922, and thereafter to abolish all our slums. We have by the end of 1922 built 190,000 houses, and, as we have no margin of empty houses available for rehousing, we have not even scratched the slum problem. Long continued overcrowding, in fact, and the consequent acceleration of dilapidation has been creating new slums areas, and tenements which had been closed as unfit for habitation according to the standard of public health prevailing before the war have been reopened. Yet the houses which have been built make a brave show where they are to be found, and the criticism which in our post-war mood of millennial expectancy termed them "rabbit hutches" and "homes in which men must be heroes to dwell," has given place to a gentle murmur of contentment from those who have been lucky enough to become tenants, and who find that to live in a house with accommodation adequate for decency, designed with simplicity, and planned for competent housewifery, makes possible on working class wages a standard of family life which many members of the working classes have regarded as out of their reach. In short, the national housing scheme has achieved some qualitative success, though it has failed quantitatively.

WAS GOVERNMENTAL INTERVENTION DOOMED TO FAILURE?

In this country we have an impression that our friends in America have watched our progress with moral sympathy tempered by economic doubts. The conclusions arrived at by Mr. Lawrence Veiller in his invaluable study, *How England Is Meeting the Housing Shortage,* have been proved fundamentally correct, and he more than any other is entitled to the post of precentor in the "I-told-you-so" choir. None the less, it is perfectly possible that we in England were right in our intention to solve the housing problem and even in attempting the particular solution which we did attempt. The failure of the national housing scheme may prove that government intervention in house building is a radical error, or it may prove only that a particular government has failed to make a particular method of intervention effective. It may even prove nothing more than that the period during which the method of intervention was tried was so complexly abnormal that no method of supplying houses could have succeeded.

To determine which is the true explanation is difficult for us who are still sore with disappointment and blinded by the dust raised by politicians' claim to credit. It may be easier to see the meaning of what has happened from across the Atlantic. It is in any case vitally important for any country which is faced with a housing problem of magnitude to study England's effort and to examine the story without bias towards either a Utopia of communism or a paradise of private enterprise. Fundamentally the issues are (a) whether housing, even as street lighting, street paving, drainage and refuse disposal, ought to be regarded now as in any sense or degree a community function, and (b) whether the community is by reason of the nature of house building operations competent to build houses. It is so easy to regard the failure of the national housing scheme as an illustration of the disasters which attend ignorance of economic laws, that it may be as well to summarise the considerations which persuaded the English government to embark upon the scheme.

THE APPALLING SHORTAGE FOLLOWING THE WAR

At the end of the war there was in this country a shortage of houses variously estimated at from half a million to a million. The official enquiry showed a need for 800,000. This shortage was due to the aggravation by the war of a condition existing before the war, to remedy which the bodies governing localities had since 1890 possessed power to build dwelling houses both for rehousing persons displaced by the clearance of unhealthy areas and for housing others whose need for housing accommodation was not being met by the normal interaction of building trade supply and family demand. The public authorities concerned were the town or district councils. There was nothing to compel them to build houses to meet the unsatisfied normal need except the pressure of local public opinion, and in spite of the known shortage, houses built by public bodies of all kinds were up to the war only 1 per cent of houses built.

Public bodies were prevented from building in any quantity by precisely the same cause as prevented private builders building in sufficiency, namely, the fact that the building of small houses was not a paying proposition. This had long been the case in country districts; it was increasingly the case in the towns. For at least a century agricultural labourers' wages had been insufficient to pay economic rents even for the smallest of houses, and they were inhabiting either worn-out houses let at a charity rent, or houses tied to farms or estates and let at nominal rents. In the towns charity rents or nominal rents were infrequent, but the customary proportion of income paid in rent was low, there had been a fall in real wages between 1900 and 1910 and between 1910 and 1914 only a very slight rise. At the same time as a result partly of more widely diffused education, and partly of a visible rise in the standard of public amenities, there was a growing intolerance among the sufferers from overcrowding and among the general public, of conditions of domestic squalor. In short, while the economic demand was stationary or could be increased only by a growing willingness to spend a larger proportion of income in rent, the conscious need for an adequate supply of houses was growing.

In 1911 there was in the whole country a 5 per cent or 6 per cent margin of empty houses. These were to a large extent absorbed before the war owing to the supply of new houses falling below the fresh demand created by growth of population. The first effect of the increased wages of war-time was to send up the economic demand with a rush, and by 1915 the empties were fully absorbed, without appreciably diminishing the shortage previously existing.

Between 1915 and 1919 the building of houses stopped dead, and at the end of the war the government was faced by a deficit which, quite clearly, could not be made good by private enterprise.

THE PSYCHOLOGICAL BACKGROUND

This analysis aims at making clear the origin of the 1919 policy. That policy defied the principles of economic science. That is conceded without dispute. But the position with which it was necessary to deal was one which could not be dealt with by the enunciation of economic platitudes. Even before the war there was a growing opinion that merely to permit local authorities to build houses if they were minded to do so was not enough, and that it was becoming necessary to require them to do so. If the war had never occurred the advocates of a national housing policy might have had their way. The war did occur and vitally affected both the economics of building and the minds of men.

The war, as has recently been said by Mr. Seebohm Rowntree, in this country telescoped the economic and psychological progress of a quarter of a century into five years. Men against whom the obligations of the social contract had been enforced in the most drastic way conceivable—by conscription—were alert to seize their corresponding rights: if the state had a right to their lives they had a right to homes. They found, too, on their return a social atmosphere favourable to this conception of their rights. Among those who had stayed at home there was much gratitude to those who had fought and a new and lively sense of the importance of breeding a healthy race for future emergencies both military and commercial. With this gratitude and foresight was mingled no small part of fear. Mr. Bonar Law, when he said in May, 1920, "that unless we made every effort to improve the condition of the people we would have a sullen, discontented and perhaps angry nation, which would be fatal in the last degree to trade, industry and credit," and Mr. Walter Long, when he declared that "to let them come back from the horrible water-logged trenches to something little better than a pigsty here would be little less than criminal" were only making explicit what had been said in the oft-quoted King's Speech that "an adequate solution of the housing question is the foundation of all social progress."

There was no serious disagreement among statesmen or the general public. The cabinet had a clear issue to face, whether wages should be raised so as to make possible economic rents for houses built at post-war prices, or whether the building of houses should be subsidised so as to bring the rents of new houses down to the level of houses built before the war. The absurdity of raising wages all round, in order to enable that small proportion of the total population which was not in possession of houses built before the war to pay economic rents for houses built at temporarily inflated prices was obvious. On the other hand, the idea of subsidising the production of any commodity necessary for national existence had obtained a firm hold on political imagination. The mobilisation of munition-making seemed a substantial precedent for national control of the house-building industry; an expenditure of ten million pounds a year on a measure of social security seemed a bagatelle to a nation which had been spending seven million pounds day in winning a war. There was in fact a mass of considerations all tending to make the second of the two alternatives inevitable.

The second course was taken and its wisdom must be judged by its consistency not merely with the eternal principles of economics but with the psychological state prevailing at the time when the decision was made.

ENGLAND CHANGES HER MIND

Yet the prognostications of the apostles of economic rectitude have been verified. England conceived her housing policy in one mood and abandoned it in another. The failure of the Homes for Heroes policy is in reality due to a collective change of mind. If the post-war mood had endured the programme of house building and slum clearance would have been carried through whatever the cost. It is part of the complexity of the story that the excessive rise in the cost of building, which was foreseen by many economists, did much to hasten the change of mood, but it was not its true cause.

Take first the details of this change. Gratitude, as we all know, is a poor foundation for certainty of favours to come. The soldier came home, got out of uniform, and in the full and certain hope of being soon provided with the home of his dreams, put up temporarily with a pigsty or a room in his mother-in-law's house. In civilian clothes he soon lost his halo of heroism. Unemployment and the reaction from army life led to physical and social deterioration. Any funds he had saved to furnish the home when it should be built were expended on present expenses or fleeting amusements. By constant strikes and "ca' canny" he alienated the sympathy of those who were more affected by rises in the cost of living than by memories of what they had heard of life in the trenches. He ceased to be formidable as a potential revolutionary when he failed to be effective as a striker. The public were irritated, fear passed and gratitude followed fear. The chill of trade depression paralysed long-sighted views of national economy. Quietly the conviction spread that the principles of economics were of more importance than social progress. The change of mood was complete. The Homes for Heroes policy was smothered amid the plaudits of an audience which hailed the Chief Assassin as a heaven-sent Man of Business.

NEW GOVERNMENT REVIVES HOUSING POLICY

But in political matters the audience has always the fickleness of the mob. The Chief Assassin failed to hold the sympathy of the House. He claimed credit not only for the deflation of prices which followed the acceptance only of tenders offered by contractors who, to keep their plant occupied and labour together, were prepared to build at a loss, but also for the output of the houses which his predecessor had put in hand. He reiterated with irritating frequency that it was now possible for the private builder to return to his own place; but the private builder obstinately refused to return except to build for others than the working classes. The newspapers began again to give space to news of the hardships caused by homelessness. Medical officers of health declared that it was impossible for them to carry out their work so long as the shortage of houses was not met. County court judges, social workers and the clergy burst on to the stage to tell of the social and moral evils caused by overcrowding. The country began to feel that though the Homes for Heroes policy had been burdened by a sentimental name and had rested on a ridiculous financial basis, houses had none the less somehow to be supplied. Unfortunately for his own reputation, and for that of the Coalition government, Sir Alfred Mond produced no policy, but that of negation and hope, and our new government, elected primarily to secure economy by a policy of peace and tranquillity, has within five weeks of taking office announced that the national housing policy must be revived.

The revival, it may be assumed, will be the resurrection of a body of different substance. It will give the fullest scope to private enterprise and regard local authorities not as the team, but merely as a trace-horse. The building of the houses made necessary by the clearance of slums will no doubt be their work. They will probably be given fuller powers—and possibly certain duties—to supplement the supply of houses where private enterprise is obviously failing to supply the need. They will certainly not be encouraged to call the tune and leave the national exchequer to pay the piper. There will also certainly be less checking of plans and scrutiny of detail by the central government through the ministry of health. At the same time if duties are to be laid on local authorities to supply proved deficiencies there must be some machinery at headquarters for collating the need of various districts, and if any general standard of size and amenity is to be insisted upon the only alternative to an increase of headquarter supervision will be the standardisation of plans and specifications. In all probability the English habit of compromise will prevail, and we shall get as much standardisation as our dislike of uniformity will allow, and as much central supervision as our fear of bureaucracy will permit. The outstanding certainty is that neither private enterprise nor action by public authorities will be regarded as competent under existing conditions of wages to produce a complete remedy for our present housing ills.

WHY THE POLICY WAS DISCREDITED

Readers of the NATIONAL MUNICIPAL REVIEW will naturally desire to analyse the causes of the discredit in which both the ministry of health and the local authorities are involved by reason of their handling of a housing policy which has failed. It may fairly be said that to a large extent the administrative bodies were the victims of a legislature which was more concerned with immediate popularity than with ultimate efficiency. Parliament had passed an act and was careless of details. It expected houses to be produced at once in large numbers. The acquisition of sites, the preparation of plans, the making of contracts, the gathering together of labour, were all operations requiring time. Moreover, the action of the local authorities had to be checked at every stage by the central government, which was meeting the lion share of the cost. Ostensibly, the country was divided into regions with a housing commissioner in charge of each. But the powers of the commissioners were strictly limited; decentralisation was not effectively secured; the possibility of delay at every stage was turned into a certainty.

PRICES SKY-ROCKET

To a Parliament impatient for results the responsible minister had to be evasive. Disastrously he hit on the expedient of driving local authorities to get contracts for houses signed at practically any cost and regardless of the probable date of completion. The contracts had in most cases an "up and down clause," allowing for the payment to the contractor of any additional cost which might be thrown on the scheme by rises in the cost of labour and material. Rings and combines forced up the price of materials; skilled tradesmen, reduced in number by the war and the pre-war slackness in the building trade, not unnaturally took advantage of their scarcity to demand and get higher wages. The local authorities, protected by the limitation of the cost to themselves to the sum produced by a penny rate in their own districts, were as unconcerned by these rises as were the contractors. No steps were taken to break the combines; steps to increase the supply of labour by diluting the building trade with trained ex-service men were taken only when the cutting down of the housing programme had been announced and when in consequence the maximum resistence was ensured from the trade unions. To supplement the output promised by contracts made with the smaller firms who had always specialised in the building of small houses, large firms of contractors accustomed to public works were induced to adapt their machinery to the building of small houses—it need hardly be said at a price. By means such as these the minister of health was able to announce that contracts had been signed for 112,000 houses at a time when the cost of a house had risen from £450 to £975, and when only 47,000 houses had been begun, including 7,500 completed. Houses which before the war might have cost £250 were in 1921 costing over £1,000; in some cases even £1,200.

The officials of the ministry of health did their best to keep prices down by the only means within their reach, namely, by simplifying plans, reducing sizes, and modifying specifications. The local authorities in general resisted these modifications. They wanted to show the local electors the best possible houses which money, which in this case meant money drawn from the national exchequer and not from the local rates, could buy. The wrangling between local authorities and the ministry of health led to further delays, and it not infrequently happened that while £20 worth of modifications were in dispute £50 was added to the cost of the houses by the relentless rise in cost made possible by the "up and down clause" in the contracts.

Some local authorities were deliberately obstructive, either because their conservatism made them reluctant to carry out a policy which they regarded as socialistic, or because they were dominated by raw Socialists who had no wish to remove the grievances which it was convenient to exploit. Some authorities were inefficient; they lacked counsellors of business training or officials of technical capacity. Even if their officials had all the requisite capacity they were grossly understaffed for the extra work which the housing scheme threw upon them. All local authorities were hampered in executive action by the criticism which so certainly besets elected bodies, and were delayed by the cumbrous apparatus of local administration, committees, subcommittees, council meetings, deputations and conferences. Of corruption there has been practically no trace; considering the opportunities offered there has been a remarkable lack of scandals so far as administrative bodies are concerned, and the scandals which have occurred are traceable to the Nemesis which pursues men of good intention, but limited in ability, or overworked.

"DIRECT LABOUR"

The results of the experiments made both in organisation and in new methods of construction can be summed up very shortly. As regards organisation, those local authorities who in pursuance of their general political theories built by direct labour have received considerable discouragement. The experience in particular of Newbury in Berkshire, where the direct labour scheme was controlled by a surveyor of particular energy and ability, proved that the saving of cost anticipated from the elimination of the contractor was much more than counterbalanced by the increased expensiveness of materials and the decreased productivity of labour. The Building Guild carried out schemes for certain authorities satisfactorily both as to cost and quality of work as compared with builders working on an ordinary commercial basis. No new method of construction has been found which in our climate and with our natural resources seems likely to oust bricks from their position as the cheapest and most efficient building material.

AN EXTRAVAGANT PLAN WITH NO INDUCEMENTS TO ECONOMY

To the unbiased observer it seems clear that two errors of first magnitude were made in 1919. The first was to conceive that 500,000 houses could be built in three years when there was available a supply of labour adequate even at pre-war productiveness to build scarcely more than 80,000 per year. The second was to remove from the administrative action of the local authorities practically every inducement to economy. My own interpretation of the facts is that the supply of houses for a large section of the population must in future be regarded as a community function; that in a period so abnormal as that in which the now defunct national housing policy was put in operation no method of supplying houses could have succeeded unless it was accompanied by a comprehensive regulation both of labour and of the supply of building materials; and that our English system of local government must, if it is to carry out immense constructive schemes, be reorganised with a view to providing the local authorities with a larger and more competent technical staff. This reorganisation of local government will also, if houses are to be built so as to meet the real social and industrial needs of the country, effect a decentralisation of authority from Whitehall and the grouping of authorities into regions. Such a reorganisation has long been mooted, and it is perfectly possible that the necessity of making the machinery of local government efficient to deal with housing, town planning, and other constructive social policies will be the operating cause of bringing about the change.

The housing policy to be instituted by our new government will be judged all the more critically by reason of the comparisons which will be made between it and its predecessor. If private enterprise before the war was unable to cope with the housing problem as a whole, it is unlikely that it will find the problem any easier now. With 190,000 houses of the 1919 standard existing as an object lesson it will be difficult or practically impossible for the speculative builder in the future to build houses without a bath, in monotonous terraces or at the rate of more than twelve to the acre of land. Some builders complain that one of the most potent causes operating to restrict the supply of houses before the war was the stringency of local by-laws. These by-laws have in some cases been brought up to date though they have not sensibly been relaxed, and behind them now will be the greater pressure of public opinion informed by the practical example of what has been effected by the national housing scheme. Private enterprise will be given another opportunity with substantial assistance, and if it is to make unnecessary a return of state enterprise it will have to satisfy public opinion within the next few years that it is capable of making good the immensely heavy arrears which have already accrued and of providing annually an increment of houses sufficient to meet the need of a population which is both increasing in number and demanding more room in which to live.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

The Direct Oxidation Disposal Corporation Explains the Lima Situation.—We are in receipt of the following statement from the Direct Oxidation Disposal Corporation which we publish gladly.

On page 37 of the January, 1923, issue of the National Municipal Review, in the course of an article entitled "Sewage Disposal at Lima, Ohio" appears the following passage:

> Although this eleventh-hour controversy to determine which of two different types of sewage plants shall be selected to serve the needs of Lima has caused considerable delay and additional expense to the community, the seriousness of the situation does not lie in these conditions but in the events which lead up to them. The methods of salesmanship employed, which induced the city commission of Lima to modify its action taken after receiving the report of its consulting engineers, and permit a concern selling a patented process to offer a competing proposition, savors too much of the practices followed in the past by bridge companies in the sale of highway bridges to communities for which the public paid a heavy toll. This magazine holds no brief for the consulting engineering profession nor does it oppose the use of patented devices or processes on public work. However, it is desired to point out the unwisdom of any community's disregarding the advice of suitably qualified individuals on matters of as a highly technical a nature as is presented by the problem of sewage disposal. If such a policy is to be pursued the question naturally arises, Why employ such professional experts in the first place? The experience of many communities in such matters has demonstrated that the most competent advice available is the most economical in the end.

This passage, particularly that part of it beginning with the words "the methods of salesmanship employed" casts a reflection upon the Direct Oxidation Disposal Corporation which is not deserved and which, in view of the peculiar conditions in the field in which the company is operating, is a serious one.

The facts are as follows: the company was well aware of the status of the Lima sewage disposal project at the beginning of 1922 but purposely made no effort to come in contact with it or interfere with the carrying out of Mr. Fuller's arrangements. Just before bids were to be received, however, Mr. C. A. Bingham, city manager of Lima, wrote to the city engineer of Allentown, Pa., asking for information about the direct oxidation plant in operation at that place. On receiving Mr. Bascom's reply expressing great satisfaction with the Allentown plant, the city of Lima immediately sought information from the company, and H. Jerome Hirst, vice-president of the company went to Lima and gave the city officials the plain facts about the direct oxidation process. After Mr. Hirst's return to Philadelphia, he received a telegram from Mr. Bingham at Lima stating that he, the mayor and other officials would visit the plants at Allentown, Phillipsburg, N. J., and Plainfield, N. J., on a given date and asked Mr. Hirst to accompany them. The direct oxidation plants at Allentown and Phillipsburg and the Imhoff tank, trickling filter plant at Plainfield were visited in the order named, and before the Lima officials left Plainfield, they conferred among themselves and then announced to Mr. Hirst that the advertisement for bids then running would be cancelled and that alternate plans would be prepared embodying the direct oxidation process and that they would then readvertise in order that bids might be received on both plans. The reason for this was very clear. The direct oxidation plants at Allentown and Phillipsburg, both located in close proximity to build up city streets were successfully operating entirely without nuisance, while the element of nuisance was most conspicuous at Plainfield. Should a nuisance be created at the only available disposal site at Lima, the results would be disastrous.

The above facts show clearly that reflections upon the "salesmanship" employed by the Direct Oxidation Disposal Corporation are unmerited.

The remaining facts are as follows: a conference was arranged between the city officials, Mr. Fuller and Mr. Hirst. At this conference it was agreed that a test be made at the plant at Allentown to determine the question raised by Mr. Fuller as to whether direct oxidation effluent was stable when mixed with river water. The duration and character of the test were specifically agreed to by Mr. Fuller. The test was subsequently made and its results entirely favorable to the direct oxidation process. The city then retained Mr. Fuller to draw alternate plans for a direct oxidation plant. When the plans were completed the city received and examined them, and then requested the Direct Oxidation Disposal Corporation to prepare plans, it being apparent that economical and efficient operation under the plans received would be doubtful. The city manager of Lima is a civil engineer.

The plans for a direct oxidation plant were finally adopted by the city of Lima, were duly filed with the Ohio state board of health with an application for approval some time last summer. As yet no action has been taken by the board of health.

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Financing of Extensions to Municipally Owned Water Supply and Power Systems.—Measures designed to enable ready financing of extensions to the city's water supply and power systems were submitted in a proposed amendment to the charter of Los Angeles, California, which was voted on at the 1922 election. The amendment was defeated by a small margin due largely it is stated to opposition from electric utility corporations. The essentials of the proposal and the conditions which brought about its presentation to the electorate, although obviously of local significance, are of interest to any rapidly growing community which is experiencing difficulty in securing prompt financing of such work.

The proposed amendment provided for, first, the establishment of a power revenue fund; second, granting to the board of public service commissioners the right to borrow money to meet the cost of extension work; third, restricting the purposes of expenditure of revenues obtained from the sale of water or power. The power revenue fund was designed to be the depository of all moneys received from the sale of electric power or other sources of revenue concerned with the operation and management of the city power plant. Control over the expenditure of these funds was to be vested largely in the board of public service commissioners. The most important provision of the proposed amendment is the one granting to that body the power to borrow money and issue bonds or other evidences of indebtedness therefor. The restrictions placed in the act on these powers are as follows:

1. The principal and interest of any indebtedness created under the provisions of this subdivision for water works purposes, shall be payable only out of the water revenue fund, and the principal and interest of any indebtedness created under the provisions of this subdivision for electric works purposes shall be payable only out of the power revenue fund; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the issuance and sale of general municipal bonds as provided for in subdivision (29) of section 2 of this charter.

2. The whole amount of any such indebtedness shall be payable in not to exceed ten years from the time of contracting the same.

3. The total outstanding indebtedness incurred under the provisions of this subdivision, for the purposes of either such municipal works, must not exceed 75 per cent of the gross operating revenue from such works during the next preceding fiscal year.

4. The rates for service from such municipal works shall be so fixed as to provide for payment at maturity of the principal and interest coming due on any outstanding indebtedness incurred against revenues from such works in pursuance of this subdivision, in addition to all other obligations and liabilities payable out of such revenues.

That there is need for some such flexible method of providing funds for the purposes note as was included in the proposed amendment, is evident from a study of facts pertaining to the local situation, presented by Mr. E. F. Scattergood, chief electrical engineer, of Los Angeles. According to Mr. Scattergood, a bond issue, designed to provide for the city's acquiring the distribution system of the Southern California Edison Company located within the city, and the development of additional hydro-electric power; which was voted in June, 1919, and subsequently approved by the public by a substantial margin above the required two-thirds vote, was fought in the courts by private power interests until the middle of the year 1921. Unfavorable conditions in the bond market at that time caused a further delay in the sale of bonds until March, 1922. If the board of public service commission of Los Angeles had possessed the authority it now seeks, the claim is made that two additional power plants could have been built at a sufficiently advanced date to have earned at least $2,000,000 net revenue, as compared with the cost to the city of purchasing the same power from private companies. A very real advantage in such an arrangement as was proposed lies in the ability to secure prompt action in making needed extensions to the city's distribution systems. In a rapidly growing community this means not only greater convenience to consumers in the character and promptness of service furnished, but also generally results in more economical service.

◆

Hoover Committee Recommends Minimum Standards for Small Building Construction.—Building code requirements designed to regulate the construction of one and two family dwellings, which will enable this class of work to be conducted at a substantially lower cost than is possible under existing code provisions while at the same time affording adequate protection from fire or other hazards, are embodied in a report issued recently by the building code committee of the United States department of commerce, entitled Recommended Minimum Requirements for Small Building Construction. The building code committee was appointed early in 1921 by Secretary Hoover of the department of commerce for the purpose of standardizing, so far as possible, the building laws of the country. Its membership is made up of recognized leaders in the various professional and other fields concerned with the construction of buildings and their regulation. In addition the committee enlisted the co-operation of a large number of individuals and representatives of scientific and other organizations in a position to aid in the prosecution of its work. Hence its recommendations may be considered as the expression of an authoritative opinion on the subject in question. Aside from its merit in this respect the report constitutes a unique and valuable contribution to the literature of building codes.

In addition to a concise statement of the requirements to be met in the construction of small buildings, which appears as Part II of the report, there is a preliminary statement which comprises a brief analysis of the problem and the purpose and scope of the work undertaken by the committee, and an appendix, Part III, containing a wealth of information of distinct educational value. The following quotation from the report is of particular interest as indicating the guiding policy of the committee in conducting its work:

> This report deals only with construction of dwellings intended for the occupancy of not more than two families between exterior or party walls. No recommendations are made as to proportion of lots that buildings may cover, the distance between buildings or between buildings and lot lines, or the effect upon construction imposed by such considerations. Lack of reference to these features is not due to their unimportance, but merely because the committee has considered them beyond the scope of the present report. An advisory committee on zoning has been organized in the division of building and housing to assist the department on zoning and city planning questions. All matters such as those mentioned above and those concerning necessities for light and air, also the general suitability of buildings as living quarters, will be considered jointly with that committee and recommendations made later.
>
> It is recognized that the requirements recommended in Part II constitute, in some particulars, relaxations from those considered advisable for construction of large buildings. The committee believes, however, that for the simple types of buildings specified, and because of the need of eliminating all possible waste, the minimum standards advised are compatible with a due measure of utility and durability in the structures affected. The objects which the committee had in view in recommending these regulations were (1) to help eliminate waste in home building, (2) to secure safe and yet economical construction, and (3) to reconcile inharmonious and frequently too restrictive provisions in existing codes.
>
> The recommendations are predicated on the assumption that good materials and workmanship will be used and all necessary care taken in assembling the various parts of the structures. The committee feels that thorough building inspection is often lacking and that many unnecessarily rigid code requirements have been adopted to offset possible laxity in enforcement. In modifying such provisions to reduce cost, therefore, local authorities should insist upon supervision of construction by an adequate, competent personnel.
>
> The building code committee is convinced that the requirements of a building code should be as brief and simple as possible. It should contain merely the minimum requirements necessary and not be a set of specifications covering methods of building. The committee further believes that every such document should be accompanied by an appendix, which should not be a law or ordinance, but which should contain such general explanatory statements of the requirements in the code as would make them easily understandable and such other information of value as could be obtained elsewhere in concise form, if at all, for the education of the home builder.

According to dependable statistics, the shortage of homes in the United States during 1920 was 1,200,000. It is apparent, therefore, that if building regulations could be so modified and standardized as to effect even a small saving on each building without endangering its efficiency or permanency a large total economy would result.

Obviously the powers of the committee are limited to submitting its recommendations to the public. Moreover, it is not intended that these recommendations be regarded as fixed. Building laws can continue to be of the highest usefulness only when they reflect progress in the art of building construction. Many of the injustices and discrepancies of existing building codes result from delay in their revision to meet changing conditions. It is planned that whenever changes in the building art or in the conditions to which buildings are exposed are reliably established, these national recommendations will be altered at intervals to take account of them. In this way it is hoped that best assistance may be rendered those responsible for revision and enforcement of local ordinances.

Although limited in its scope, this code in the method followed in its preparation together with its content, serves as a sound guide to the preparation of more comprehensive building codes.

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Garbage Disposal in Seattle.—The practicability of disposing of the garbage and other wastes of a community of about three hundred thousand population by means of dumping and keeping the dump surface and slope covered with earth or sand has been demonstrated by the experience of Seattle, Washington. This experience also illustrates in a timely fashion the importance that local conditions exercise over any method of waste disposal.

Seattle has been getting rid of its municipal waste by the sanitary fill method of disposal for about seven years. Previous to that time the city operated three high temperature destructors, each with a capacity of sixty-five tons per twenty-four hours. One of these destructors was in use for five years before operation was discontinued and the other two were operated for two years each.

The substitution of dumping for disposal by incineration was not due to failure of the destructors to operate satisfactorily, but merely on account of the high cost of the latter method of disposal. Changed conditions particularly in the cost of labor practically doubled the cost of incinerating the city's waste, over what prevailed a few years previous to the adoption of the present plan. The latter provides for the delivery of waste to sixteen dumps distributed over the city. The sites of these dumps where possible have been selected so as to provide a fill ten to fourteen feet deep adjoining paved streets. All classes of material are brought to the dumps where there is a separation of inflammable and salvageable materials from the other wastes. The salvaging is done by private parties. Inflammable wastes are burned periodically at the dumps. After a reasonable time has been allowed for dump picking, the garbage and other materials are covered with sand to a suitable depth.

The cost of this method of disposal is said to be approximately thirty cents per ton as against an estimated cost of one dollar per ton for incineration at the time the use of the garbage destructors was abandoned and an estimated cost of approximately two dollars for such method of disposal under present conditions.

Apparently the city dumps in Seattle are operated without nuisance and after several years of experience it is stated that the fills do not settle more than similar fills made entirely of earth, and the use of land thus brought to a level with surrounding property is approved by the city building department as providing suitable foundation for light structures.

The experience of Seattle should not be considered necessarily as justifying the discontinuance by other communities of waste disposal methods by means of incineration or otherwise in favor of the operation of sanitary fills. It is interesting, however, in that it illustrates the practicability of conducting a method of waste disposal by a large city which a few years ago was condemned as insanitary under any conditions and detrimental to public health. It also illustrates the fact that topographical conditions in Seattle made possible the favorable location of city dumps which in their operation actually enhanced the value of property on which they were located. Another community lacking the favorable conditions existing in Seattle might find it both impractical and uneconomic to attempt disposal by dumping.

One fact in the experience of Seattle which is valuable to almost any community is its demonstration of the principle that fundamentally garbage disposal is a matter of city cleansing rather than of public health and that the main requirement of any method of disposal is to get rid of the waste materials at the least cost consistent with protection against any kind of offense to the community either to sight or smell. However, the determination of the most suitable method of disposal for any community is not a matter that can be decided offhand by a group of laymen. The problem is essentially an engineering one and its satisfactory solution depends largely on careful study of local conditions supplemented by securing thoroughly competent professional advice and following it. The unsatisfactory service in the matter of waste collection and disposal that exists in many communities and the large number of abandoned disposal plants of various kinds furnish ample testimony of the need for sound policies in the administration of this important community service.

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Control of Traffic Movement on Important City Streets.—Synchronized movement of vehicular traffic by means of a system of signal lights operated from towers has been tried with success on certain important streets in some of the larger cities of this country. In fact the control over traffic on Fifth Avenue, New York, which has been effected by this means has proven so satisfactory that the original signal towers have been replaced by more permanent and ornamental ones and an extension of the system is planned for other thoroughfares in Manhattan. It is interesting to note, however, that the proposed system dispenses with the signal towers. The reasons for this modification of the present arrangement as outlined by Hon. Julius Miller, president of the borough of Manhattan, apply not only to the local situation but also to practically every community contemplating the installation of a traffic control system of this character. Mr. Miller points out that any obstruction within the highway is an impediment to free movement of traffic and should be avoided where intensity of traffic is very great. Obviously, signal towers cannot be located on any street or avenue which has an elevated railroad structure or surface tracks.

In order to operate a system of this kind on avenues or streets where such conditions exist, signal lamps would have to be supported by some other structure. The logical place for the signals is on lamp-posts at street intersections preferably suspended from an arm extending diagonally into the street intersection. An arrangement of this kind would make such lights visible for a considerable distance from both intersecting streets. One such light at each intersection would flash the signal to all traffic on any avenue or street and on account of their proximity there would be less obstruction to their visibility in foggy weather or from any other cause.

The cost of installation of a system of this kind would also be materially less than that where signal towers are used The cost of operating the system would also be materially reduced as two men at a single point could control lights operating over a very extensive area. This would release traffic officers located in towers for service in controlling pedestrian traffic at important intersections which is admittedly a necessary service.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Pinchot Appoints Women to Cabinet.—The newspapers all over the country have contained a great many stories concerning the first woman cabinet officer in Pennsylvania, Dr. Ellen C. Potter, recently appointed commissioner of public welfare by Governor Pinchot.

Dr. Potter's appointment was hailed by the women, by the social workers, by the physicians, and it is interesting to note that her appointment is significant to the civic group also, as she was for a period in the years 1919–1920, a member of the professional staff of the Philadelphia Bureau of Municipal Research. Commissioner Potter has said on several occasions that the principles of public administration which she absorbed at the Philadelphia bureau have been of great value to her in her subsequent official career.

F. P. G.

⁂

Cleveland Ends Year with Cash Balance—A Rare Experience for Ohio Cities.—A note of brightness was sounded in the world of public finance recently when the city of Cleveland announced that it had finished the year's operations not only without a deficit but with a cash balance of over a half million dollars. This cash balance was a real one, for all pay-rolls and bills for the year 1922 had been met or funds reserved for payment of obligations of 1922 after the close of the year. In short, the balance of $558,000 constituted an unincumbered amount. This reversal of financial experience on the part of the city has called forth much fervent comment from taxpayers, newspapers and observers of government throughout the country. One observer heralded this event as "the most important and significant happening since the signing of the armistice." While this commentator's enthusiasm may be too high-powered, the fact remains that this signal accomplishment of the present administration marks a real turning point in the condition of the city's finances.

This happy condition of affairs was brought to pass notwithstanding the fact that the city in 1922 suffered a substantial loss of revenues as compared with 1921. This noteworthy accomplishment may be explained in the following ways:

1. The new mayor, Mr. Fred Kohler, instituted a tremendously persistent and rapid-fire economy program. Literally hundreds of persons were separated from the pay-rolls by virtue of the mayor's extremely effective ax-wielding activities. Political favorites, "hangers-on," superfluous employes in all departments and divisions were apprehended and peremptorily dismissed. In fact over a million dollars was cut from the pay-rolls as compared with the 1921 figures.
2. Careful and close buying of supplies contributed to the economies accomplished.
3. The city operated under a well planned budget, rigidly enforced, coupled with a conservative and carefully prepared estimate of revenues.

The present administration has without question demonstrated that the city can be operated within its income, a reduced income at that, and the functions of government be carried on to the apparent satisfaction, broadly speaking, of the newspapers and the general populace.

L. E. Carter.

⁂

Federal Reclassification.—After several years of exhaustive investigations, conferences unnumbered and elaborate hearings, the prospects of substantial progress in the federal personnel situation are at last "looking up." This progress takes the form of a compromise measure between the reclassification bill framed by Senator Sterling and Representative Lehlbach and the bill which originated in the bureau of efficiency that has been sponsored by Senator Smoot. The latter measure has this advantage, that certain of its features are already in operation under an executive order of October, 1921. The compromise marks an end to the dead-lock that has lasted since the report of the reclassification commission, made in March, 1920.

According to a report made by a representative group of federal employes, the chief feature of the new bill is the creation of a personnel classification board that is to consist of the director of the bureau of budget, a member of the staff of the civil service commission and the chief of the bureau of efficiency or such alternatives as these officials may designate. This board is empowered to employ a director and staff. Its functions are to apply and administer uniform standards of classification and salary policies in co-operation with the various department heads and also to set up a classification of the field service that is to be submitted to congress as soon as this work is accomplished. Because of their controversial character the labor services (skilled and unskilled) are excluded from the bill. The personnel classification board is finally to exercise general supervision over the efficiency rating systems that so far as operation are concerned are to be under the control of the bureau of efficiency.

It is proposed that the classification and standardization of salaries shall go into effect for the coming fiscal year which begins July 1, 1923. A recent newspaper report brings out the fact that Senators Sterling and Smoot have already conferred with President Harding on the matter and that the proposed measure has met with his approval.

W. E. Mosher.

⁂

New Efforts to Wreck the Grand Rapids Charter Fail.—Another effort has been made to weaken the commission manager form of government in Grand Rapids, Michigan. Petitions providing for ward elections and the direct election of the mayor were filed with the city recently, but a careful check made by several city officials resulted in the elimination of hundreds of signers who were not qualified registered voters. The remaining signatures were not sufficient in number to initiate the proposition, hence the amendments will not appear on the ballot at the spring primary election, March 7, 1923.

The National Municipal Review published in the July, 1922, issue an account of the campaign last April that was waged in Grand Rapids against a return to aldermanic government. Friends of the charter were successful in their efforts to sustain the commission manager plan. Although the majority in favor of the retention of manager government was larger than the majority vote cast for the adoption of the charter in 1916, the minority vote was pointed out by those in favor of the ward system of elections as a conclusive argument for ward representation. However, the amendments which failed of submission at the primary, will perhaps be placed on the ballot at the election on April 2. This depends, of course, upon the reception with which new petitions will be received. One cannot guess as to the outcome of a petition campaign, but it can be said, in my humble opinion, that, barring any unlooked-for advantage the opposition may secure in the near future, the commission manager form of government will be retained in Grand Rapids, and any proposal providing for the ward system of elections will be defeated by a handsome majority.

The Grand Rapids Citizens League is the leading spirit in defending the present charter.

Russell F. Griffen.

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Recent Important Decisions on Law of Zoning.—The New Jersey supreme court has recently handed down some decisions of importance affecting the law of zoning.

Cannot Compel Erection of Buildings of Prescribed Height. Dorison vs *Saul* was an application for mandamus on the part of the owner to compel the inspector of buildings in Jersey City to issue a permit for a two-story building. Inspector refused the permit on the ground that the proposed two-story building was in a district in which the zoning ordinance of Jersey City prohibited the erection of buildings less than three stories in height.

In awarding the mandamus the supreme court of New Jersey held that the zoning act passed by legislature did not give the city the power to enact such an ordinance. In handing down its opinion the court said:

"It seems to us that this act confers on municipalities only the power to limit the height of buildings and not to compel the erection of buildings of a prescribed height. The height of buildings in cities increases the fire hazard, especially if the fire department of the city is inadequately equipped to reach fires in high buildings. To permit a city to meet such conditions this statute was probably enacted. . . . Two story buildings are certainly no more subject to fire hazards than three story buildings. Neither is the public health or welfare the better conserved by the erection of three story buildings than two story buildings."

No Public Garages Near Schools or Churches. In *Schait* vs. *Senior*, a case affecting the zoning ordinance prepared by Herbert S. Swan for Montclair, the New Jersey supreme court went further in sustaining such legislature than it has hitherto at any time gone. In addition to sustaining zoning under the police power the court held that an ordinance of a town prohibiting the erection of a garage or group of garages, for more than five motor vehicles, on any lot situated within a radius of two hundred feet of, or within any portion of a street between two intersecting streets in which portion there exists a public school or a church, is a reasonable regulation touching public health, safety and general welfare, and is within the scope of the police power of the town, and is consequently valid.

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County Government News.—*Westchester County, New York.* The Commission created to frame a new form of government for Westchester county, under the special constitutional amendment has abandoned hope of working out a satisfactory measure in time for submission to this session of the legislature and action is now deferred two years.

The commission reached the stage of discussing a tentative plan retaining the board of forty-one supervisors but transferring financial control to a new board of estimate and centering appointive power in a supervisor-at-large.

Nassau County, New York. Under the capable and practical leadership of its chairman, William S. Pettit, the Nassau county government commission will be ready with a bill for submission to this year's legislature providing an improved form of government of Nassau county subject to approval at a local referendum.

The tentative draft provides a county president elected at large for four years with appointive and removal power, without confirmation, over all county officers except the sheriff, county clerk and district attorney, and the judiciary, whom the constitution still requires to be elective. He will appoint the county commissioner of police whose force will replace the elective township constables, the health commissioner who will appoint local health officers, county attorney, commissioner of welfare, charities and correction replacing the overseers of the poor, county treasurer who will receive both town and county taxes, county board of assessors with power to correct township assessing, county zoning and planning commission and board of elections.

There will be a board of six supervisors with double votes in certain cases, which shall have power to reduce but not increase the annual budget prepared by the supervisor at large. A comptroller will be elective with auditing powers and there will be a county system of inferior courts replacing the justices of the peace.

Town governments will be simplified—they lose their financial officers, their judicial officers, their charity work. They will have boards of three trustees who appoint a town clerk.

Village government remains untouched but the powers of the county are so developed that further creation of village corporations will be less necessary.

Sedgwick County, Kansas. A movement is reported from Wichita proposing to ask the legislature for a law authorizing Sedgwick, Shawnee and Wyandotte counties to employ county managers upon a favorable local referendum. Local politicians say that it will cause a revolution if passed.

R. S. Childs.

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City-County Consolidation Considered in New Jersey.—The board of directors of the Jersey City (New Jersey) chamber of commerce has ordered a referendum among the two thousand members on the advisability of consolidating all of the municipalities in Hudson county into a single city. This action serves temporarily to reopen a question which first engaged the attention of Hudson county twenty years ago.

The situation there differs only in degree from that existing in a number of metropolitan areas throughout the country. Hudson county has an area of only forty-three square miles and a population of 650,000. Included within its boundaries are three cities, and ten boroughs, towns and townships. All are urban in character.

So far as the application of consolidation principles is concerned, there is only one complicating element. Three of the civil divisions, with a combined population of only 45,000, are separated from the rest of the county by several miles of virtually unoccupied meadowland. They are, however, so close to the city of Newark, being separated from it only by the Passaic river, as to constitute an integral part of the Newark–Essex county metropolitan area.

If these three small municipalities be excluded from consideration, the case for thorough-going consolidation in Hudson county becomes very clear. In fact, the interests common to this area have been so generally recognized as to require the progressive extension of county functions. This practice has relieved the situation in some respects but has naturally produced duplication of municipal and county administrative agencies, and has added appreciably to the cost of government.

In spite of the fact that the business interests of the county seem to be receptive to the scheme of thorough-going consolidation, it is considered doubtful whether their agitation will effect any changes at this time. Although a stranger would be quite unable to identify, even in a general way, the several municipalities which constitute the county, there is the liveliest sense of local self-consciousness. (It is inconceivable that there is anything like "local pride.") The matter will, therefore, probably take the same course as has been followed in the neighboring county of Essex. Sporadic attempts will be made at administrative consolidation until the situation becomes so painful as finally to force definite action. Then, and not until then, will the situation be relieved.

Meanwhile, these two county areas, which are themselves important parts of the much greater metropolitan area surrounding New York city, will continue among the most interesting examples of fragmentary and unarticulated administration.

BRUCE SMITH.

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Los Angeles Moves to Reduce Crime.—Los Angeles has been in the limelight in recent months in a number of respects. Several atrocious crimes and a jailbreaking or two have called the attention of the people of the United States, as well as those of California, to certain conditions in the administration of criminal justice in southern California.

While one group of organizations has begun a campaign to interest the press in giving much less attention to the details of crime and feature stories about scandal on the theory that the press is, in some sense, partially responsible for a condition of mind which makes crime easy, the newspapers themselves together with several prominent citizens have organized the Los Angeles Crime Commission, a body which hopes to do something to help suppress crime.

Its first activity was to conduct a campaign for increase in pay of the police force, and an enlargement of the force by 500. Its latest campaign, undertaken in connection with the Los Angeles County Bar Association, deals with legislative and constitutional changes. The principal items are as follows:

(1) A constitutional amendment providing that three-fourths of a jury may return a verdict in criminal cases except where such verdict involves a death penalty.

(2) A constitutional amendment giving judges the right to comment on the evidence and to advise juries on questions of fact as well as of law, as is done in the federal courts and in England.

(3) A bill amending the penal code to provide that probation shall not be open to persons convicted of crimes of violence involving the use of deadly weapons, nor to public officials found guilty of bribery, embezzlement or extortion.

(4) A bill declaring that robbery involving torture of the victim or use of a deadly weapon shall be adjudged first-degree robbery punishable by a minimum of ten years in the penitentiary.

(5) A bill declaring that the minimum value of stolen property, the theft of which constitutes grand larceny, shall be $200 instead of $50 as at present.

(6) A bill declaring that burglary of a dwelling where the criminal is armed with a deadly weapon shall be first-degree burglary; that the entry by night or with a deadly weapon of any building not used as a dwelling shall be second-degree burglary; that all other burglaries shall be third degree; that there shall be a minimum penalty of ten, five and one year's imprisonment for each of these respective degrees of burglary.

(7) A bill providing more severe penalties for crimes committed by persons armed with deadly weapons, this being considered in each case to constitute a higher degree of crime. Rape, arson, robbery and grand larceny are particularly mentioned in this connection.

(8) A bill providing for enlargement of the state bureau of criminal identification and investigation.

(9) A bill making it optional with a trial judge whether or not he shall sign a certificate of probable cause upon application of a person convicted of crime.

(10) A bill making it a felony for any prisoner to escape from the custody of the sheriff of any county, whether or not such prisoner is confined in jail.

One of the slogans now heard is, "For Swifter and Surer Justice."

It may be that the original suggestion for such a program came from Lord Shaw, of the English lords of appeal, when he was in Los Angeles last summer and had something to say, in a comparative way, about American and English criminal justice.

C. A. Dykstra.

⁂

Chicago to End Thompsonism; Next Mayor to be High-Grade Man.—"Thompsonism" is on the gang plank, baggage in hand, waiting until the April election to abandon the good ship Chicago over which it has played at captain for eight years. The word "Thompsonism" is used advisedly, because that is the term which the citizens of Chicago have adopted to characterize the city administration of the past two terms. In their minds the mayor of Chicago has not been the man whom they elected—William Hale Thompson. He has been only the name—the figurehead—the tool. The real chief executive has been the influences back of him in the persons of Lundin and others, whose bidding he did.

Chicago gave a gasp of surprise, then a sigh of relief the other day when the morning papers carried the news that Thompson would not be a candidate for re-election either at the primary in February or at the election in April. Up to that time it was generally understood that he would seek re-election. In fact, only a few days prior to that announcement the morning paper which has supported him began a series of articles under the mayor's signature in support of his administration. This, of course, was only preliminary to the more active and aggressive form of campaign which would follow later. But things had been happening.

One of the afternoon papers carried, as a leading item of news, the story that a committee of one hundred was being organized by the church federation and other organizations to put a high grade candidate in the field and try to defeat Thompson, both in the primary and at the election. The morning papers carried the additional news that the Anti-Saloon League was also back of the movement. Realizing that this meant a straight out-and-out wet and dry plus a sectarian religious fight and a complete submersion of the real issues—or what should be the issues—of the campaign, a dozen or more high minded men representing the leading commercial and civic organizations met and decided, first to try to induce the church federation to withhold its activities, and second, failing to do so, to launch a counter movement.

The church federation group declined even to delay their movement long enough to confer with the other group; but proceeded to name their committee, adopt their emblem of a broom, and recruit their committee of one hundred. The other group called a meeting at the City Club of leading men and women from all sections of the city, named a representative committee composed of Republicans and Democrats, and adopted resolutions to the effect that both political parties should be urged to name high grade candidates. If the two parties, or either refused to do this then the committee would determine whether or not an independent candidate should be put into the race. Both political parties were badly divided by factional quarrels, but the committee went to the leaders of all factions in both parties, put before them the names of men in the two party groups whom they would support, and asked each party group to agree upon their choice of the names submitted.

The democratic factions had little difficulty in reaching a complete agreement and joining their forces back of William E. Dever, judge of the superior court, who had an exceptionally good record of some eight years' service in the city council and who has always been an active advocate of municipal ownership and operation of transit lines. The republican factions (except the city hall or Lundin group) after much jockeying for position, finally agreed to unite their forces back of Arthur C. Lueder, postmaster of Chicago, who is generally recognized as a clean cut business man and an efficient postmaster.

The question then was "Will Thompson risk his chances against Lueder in the republican primary or keep out of the primary and run as an independent at the election?" The one morning newspaper which had been supporting Thompson, immediately upon the announcement of Judge Dever's candidacy, began to show a lack of interest in Thompson and a deep interest in Dever. A few days later Thompson withdrew entirely from the race. Three other Republicans have since filed their petitions; but at this writing, there seems little likelihood that either of them will draw heavily from Mr. Lueder.

The Chicago electorate is in this happy state of mind—whichever candidate is elected Chicago will have a good mayor and a thorough house cleaning. This cleaning process it is expected will be greatly aided by a better city council, which the Better City Council Committee, organized at a City Club conference, is now trying to secure. The indications now are that Chicago is ready to "come back" after eight years of political philandering.

Mayo Fesler.

✣

A Job Analysis of the Secretaryship of the Interior.—Many candidates have been discussed for the post of secretary of the interior to supersede the present incumbent and by the time this is in print the selection may have been made and the new secretary installed in office. It will be none the less interesting to try to measure the new member of the president's cabinet by a measuring rod set up impartially and with no individual in mind. The newly appointed secretary may strengthen the cabinet or weaken it; but the cabinet functions, apart from the subject matter of the department administered, are so casual that we need not seriously consider them apart from the administrative functions of the secretary of the interior.

The department over which the new secretary must preside includes the office of Indian affairs, general land office, patent office, bureau of pensions, bureau of education, bureau of mines, reclamation service, national park service, geological survey, Alaskan engineering commission, Howard University, and the division of capitol buildings and grounds. Here we have subject matter on widely varied fields. On the supposition that the chiefs of the bureaus are ordinarily men trained in the technical subject matter for which they are responsible, we should have reporting to the secretary an anthropologist, an expert in classifying land, an expert in the law of patents and their relation to commerce, a man trained in modern insurance methods to handle pensions, a trained educator, a mining engineer, a civil engineer who has specialized in reclamation projects, an expert park man, a scientist capable of directing the geological survey, and a university president in addition to manifold qualifications needed for the members of the Alaskan engineering commission. The very enumeration of these diverse bureaus brings out the weakness of the department of the interior when it comes to administration.

In addition to having the knowledge, or the power to acquire the knowledge, necessary for making intelligent decisions of policy in the face of conflicting advice from his own organization, the secretary of the interior must be able to form stable policies concerning the public lands, reclamation projects, national parks, patents, pensions, mining, geology and education.

It matters very little whether the new secretary of the interior be a lawyer, an engineer, a scientist, or a business man. He cannot possibly be expert in all the subjects which he must administer. What he needs above all are *qualities*. He needs, first, the *quality* of *understanding* the problems put to him for settlement, he needs the *quality* of *discrimination* between major and minor points at issue. He needs *vision* in order to be able to see the results of policies after they have been adopted. But all these are as naught if he lack the one great quality which every secretary of the interior should possess—the quality which leads a man to recognize and defend the *public welfare* against private encroachment. Some of the most disastrous failures of the past have not been due to a lack of courage to stand for the right but from an inability to discern the public welfare.

This country does not suffer so much from those who knowingly do wrong as it does from those whose *idea* of what is wrong is so adjustable and whose *idea* of what is right is so flexible that no clear issue arises in their minds between the general good and personal gain. We are bound to suffer from these among our citizenship; but when we start out to find a man to administer some part of the remnant of our public lands and resources we need particularly a man who sees the future, who values the public welfare and who serves the people, a man who can rise above personal friendships and local demands.

We have had such men at the head of the department of the interior in the past. May we have one now, Mr. President?

Harlean James.

II. CITY MANAGER NEWS

BY JOHN G. STUTZ, *Executive Secretary, City Managers' Association, Lawrence, Kansas*

A Permanent Secretariat for The City Managers' Association has been established at Lawrence, Kansas, at which place the association's publications will be edited and printed.

⁂

City Manager Magazine (international) succeeds *City Manager Bulletin* as the official organ of The City Managers' Association. It is hoped that more and better service may be rendered to the membership through this new publication.

⁂

The 1922 Yearbook has been received from the printer and is available at 50 cents the copy.

⁂

Alameda, California, is to construct a health building at an approximate cost of thirty thousand dollars. City Manager C. E. Hickok is promoting the construction of a forty-three thousand dollar road to connect Alameda with San Leandro. The annual report of the city manager shows that the tax dollar in Alameda is divided as follows: general overhead, 7.4 per cent; miscellaneous general, 7.2 per cent; recreation and parks, 7.6 per cent; interest and redemption, 15 per cent; schools, 8.8 per cent; pension relief, 3.1 per cent; fire department, 18.4 per cent; public use (East Bay Water Co.), 7 per cent; buildings, .3 per cent; health department, 2.5 per cent; library, 3.8 per cent.

⁂

Boulder, Colorado, has purchased $38,934 worth of equipment. These purchases indicate, according to city officials, the merit of the budget system and also the economies practiced by the administration, inasmuch as all the funds were obtained from the usual tax levy and ordinary revenues.

⁂

The Voters of Tampa, Florida, will vote March 6 on a proposition to bond the city for $2,650,000 to purchase the plant of the Tampa Water Works Company and to provide for a new and more adequate supply of soft water.

⁂

Atchison, Kansas, according to Burt C. Wells, the city manager, closed the year 1921 with a balance of $73,477.32 after all bills were paid. The tax rate was lowered 1.1 mills in 1921 and 1.4 in 1922. The city bought and cancelled $31,250 in bonds not due until 1925–1928. It also purchased 25 acres additional land for parks.

⁂

Excelsior Springs, Missouri, under the administration of T. V. Stephens has reduced outstanding accounts from $9,000 to $3,000 during the past year. A $25,000 sewage plant has been completed.

⁂

City Manager Kirk Dyer of Ardmore has resigned following a demand by the city commissioners that he discharge the chief of police.

⁂

City Manager W. P. Hammersley of Norwood, Massachusetts, has been appointed a member of the Business Mens' Institute of the College of Business Administration of Boston University, and is to address the junior class on the profession of city manager.

⁂

C. B. Greene, director of the Dayton Bureau of Municipal Research, is assisting in drafting a city manager charter for Wilmington, Delaware. The charter must be passed upon by the state legislature.

⁂

Portland, Maine.—February 8th, two charters for Portland were submitted to the Main legislature, one a city manager plan, the other a federal plan charter.

The city business manager charter, as it is called, with a popular petition for permission to hold a referendum thereon, was submitted by Senator Ralph O. Brewster, while the federal plan charter with referendum provision attached was submitted by Mayor Chaplin's charter commission. This charter plans for fourteen councilmen, nine to be elected by wards and five at large in alternate years, the mayor to be given full appointive power for all department heads.

⁂

The Following Cities have adopted the city manager plan during the past two months, Berkeley, Chico, Modesto, Stockton, San Mateo, Santa Rosa and Visalia, California; Brookville, Kissimmee, Ft. Pierce, Leesburg and Orlando, Florida; Albany, Georgia; Maywood, Illinois, and St. Johnsbury, Vt.

⁂

Three Cities Reject C. M. Plan.—The following cities voted not to accept the city manager plan; Augusta, Georgia; El Segundo, California; Redford, Michigan.

⁂

Recent Appointments—City managers have recently been appointed to the following positions: C. B. Battershell, Springdale, Pennsylvania; H. G. Bottorf, Sacramento, California; Ed. Fisher, Cherokee, Oklahoma; C. J. Halbert, Sturgis, Michigan; H. P. Giebler, St. Marys, Kansas; Walter A. Richards, Columbus, Georgia; J. W. Greer, Bartow, Florida; Anton Schneider, Lakeland, Florida; D. E. Bevins, Leesburg, Florida; W. Austin Smith, Tallahassee, Florida; Forest Bowen, Michigan City, Michigan; Clyde King, Eldorado, Kansas; C. W. Mizzell, Heavener, Oklahoma; A. A. Kratz, Astoria, Oregon; Thomas S. Scott, Niagara Falls, Ontario; M. J. Rutledge, Woodstock, New Brunswick; F. W. Waggoner, Farmville, Virginia.

III. MISCELLANEOUS

Dayton City Commission to Study P. R.—The city commission of Dayton has appointed an advisory committee of fifteen to prepare an amendment to the charter. Proportional representation will have the greatest consideration as a means of making the commission more representative. It is reported that many of the advisory committee already favor it.

⁂

The 1923 Convention of the National Highway Traffic Association, which was to have been held in Cleveland, Ohio, on February 19 and 20, has been postponed.

⁂

Progress of the Plan of New York.—The Report of Progress from May 10, 1922, to February 1, 1923, has been issued by the Committee on Plan of New York and Environs. In it is included Raymond Unwin's preliminary report of the general situation as a result of conferences held during October, 1922. Copies of the report may be had on application to them at 130 East 22nd Street, New York City.

⁂

A New Planning Board.—We are indebted to Mr. Frank E. Marble of Lynn, Massachusetts, for the information that after ten years trying Lynn has secured a much needed planning board. The membership of the board is as follows: Miss Eleanor Manning, John M. Farquhar, Dr. Blair, Mr. Colburn, Mr. Rourke, G. W. Howe.

Clyde L. Seavey, manager of Sacramento, has resigned to accept an appointment as member of the State Railway Commission of California.

⁂

The National Institute of Public Administration has added a statistician to its staff. He is Mr. E. M. Martin, who has just completed, under the auspices of the institute, a trade test study of the Newark police department. Mr. Martin was formerly statistician in the United States public health service.

⁂

C. A. Dykstra, secretary of the Los Angeles City Club and member of the council of the League, has been appointed a member of the Los Angeles Public Service Commission by Mayor Cryer.

⁂

Taxpayers League Organized in North Dakota.—A State Taxpayers Association has been started in North Dakota, modelled somewhat on the plans of the Duluth Taxpayers League. Mr. J. G. Gunderson of Aneta is president and Mr. F. W. McRoberts is secretary. The office of the association is in Fargo. Though organized but a few weeks they have already issued a bulletin on the bonded debt of North Dakota.

⁂

The Bureau of Public Personnel Administration is now an accomplished fact. It is affiliated with the Institute of Government Research, 26 Jackson Place, Washington, D. C. Professor L. L. Thurstone of the department of psychology of Carnegie Institute of Technology and Fred Telford, well known to the readers of the REVIEW, are the principal staff members of the new bureau.

The bureau has been privately underwritten for a term of years. Its field of work covers state and municipal employe problems as well as the federal service. It will work in closest harmony with the federal, state and municipal civil service commissions.

✣

The Hoosier State Host to Park Conference.—Arrangements have been completed by the State Park Conference Committee, of which Judge John Barton Payne is chairman, to accept the cordial invitation of the Indiana State Department of Conservation to hold the next State Park Conference on May 7, 8 and 9 in Turkey Run State Park, west of Indianapolis. The hotel which is operated in the State Park for the convenience of the people of the state of Indiana has been made available for the conference at the very small rates of $2.50 and $3.00 a day.

It should be recalled that Indianapolis lies on the national trails route across the continent of the United States and that automobile trips may be planned from "points east and west" to take in the State Park Conference.

Hotel reservations should be requested from Miss Beatrice Ward, secretary of the Conference Committee, Department of the Interior, Washington, D. C.

HARLEAN JAMES.

✣

Frederick P. Gruenberg, the chairman of the Governmental Research Conference of the United States and Canada, was invited to prolong a recent trip in the west by visiting St. Louis, where a bureau of municipal research has recently been organized under the directorship of Dr. Jesse D. Burks. In addition to consulting with members of the St. Louis bureau's board of trustees on general bureau problems, and with members of the staff on various phases of the technical work, Mr. Gruenberg addressed three audiences in St. Louis on general civic topics. He also spent a day in Toledo where he addressed a group consisting of the legislative committee of the Toledo Chamber of Commerce, public officials, representatives of the municipal university and members of the official commission on publicity and efficiency.

One day was spent in Cleveland in consultation with Charles B. Ryan, secretary and treasurer of the conference, principally on plans preparatory for the national meeting to be held in Minneapolis during June, 1923.

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NATIONAL MUNICIPAL REVIEW

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COMMENT

A County Manager Probable in Near Future

The long overdue county manager is about to put in his appearance. A bill authorizing city-county consolidation for any county in Montana became law on March 1. It is in substantially the same form as drafted by Dr. A. R. Hatton. Although designed at first to relate only to the city of Butte and the county of Silver Bow, a substitute measure of general application was introduced at the last moment, and it was this which finally passed. It is an enabling act to give effect to the constitutional amendment adopted last November authorizing the legislature to provide optional forms of county government and to permit city-county consolidation.

Counties which avail themselves of the home rule powers which they now possess will have an extremely simple form of government under a city-county manager. He is appointed by an elected commission of 3 to 7 members (depending upon the size of the county). The manager in turn appoints the subordinate administrative heads. The administrative organization provides for five departments, viz., departments of finance, police, public works, health, and fire protection. The commissioners serve for four years with overlapping terms. The manager holds office at the pleasure of the commission.

This home rule act is one of the most significant public documents drafted in recent years. In drafting it Dr. Hatton was confronted by many situations new to our political experience. He has promised us a longer article for an early issue, which will give the Review readers the information they desire upon this important law.

*

How One City Scored Itself

Morgantown, West Virginia, is soon to know where she stands. Four hundred of her citizens have just completed a municipal score card. It all grew out of the success which the extension department of West Virginia University had had with scoring rural communities. The score card was arranged under ten principal divisions, the possible score in each division being 100, or 1,000 for the entire city. Each division was divided into sections and a committee was assigned to each section to make the score.

The ten divisions were: Government of the municipality, the city as a business center, prosperity, social welfare, health, education, recreation, fine arts, religion, and community spirit. The scoring reports are being made at public meetings and already organized efforts are under way to raise the scores next year.

A reproduction of the final score card on the health of Morgantown will tell you more about what is actually being done than anything we might say.

A—PUBLIC HEALTH SERVICE

Possible 30 — Earned 14

STANDARDS	PRESENT CONDITIONS
1. Full-time health unit	Part-time doctor and bacteriologist.
2. Vital statistics reported	Good.
3. Welfare Work:	
Dental	None.
Tuberculosis	Fair.
Maternal and Child Hygiene	None.
Preventable diseases	Fair.
Venereal diseases	Fair.
4. Educative Agencies:	
Public Schools	School nurse; Dental hygienist; Junior Red Cross; Modern Health Crusaders.
Newspapers	Efforts have been rather sporadic although at times animated. They apparently need a health policy, health contributors, and member of staff to act as health critic.
Motion pictures	Estimated as doing about ½ of what they might do to teach health.
Others	Churches, boy scouts, camp-fire girls, public lectures, exhibitions, bulletins, placards, etc.

B—WATER AND FOOD

Possible 30 — Earned 15

STANDARDS	PRESENT CONDITIONS
Water:	
Supply adequate	Yes.
Bacteriologically and chemically safe	Usually.
Palatable	Occasionally.
Milk:	
Supply adequate (1 pint per capita)	Below per capita consumption. (½ pint).
Safe supply	Yes.
From herds regularly tuberculin tested	90% tested.
From dairies systematically inspected at least once in six months	Infrequent.
Regular monthly milk inspection for fat, sediment, and bacteria	Infrequent.
Foods:	
Adequate variety available at all times of year	Yes.
Quality	Good.
Sanitary handling:	
Protection against flies, dust, contamination, etc., storage and refrigeration	Variable.

C—GARBAGE AND SEWAGE

Possible 20 — Earned 15

STANDARDS	PRESENT CONDITIONS
Garbage:	
Sanitary containers	Less than half.
Frequent collections	Yes.
Sanitary removal	Not up to date.
Disposal	Only partially satisfactory.
Sewage:	
Sewer system adequate	Partially.
Sewers hygienically safe	Generally.
Disposal	Not satisfactory.

D—PRIVATE PRACTICE

Possible 20 — Earned 18

STANDARDS	PRESENT CONDITIONS
Physicians:	
Enough, not too many	Good (1 to 600 people).
Specialists able to take care of all reasonable demands	Specialties not well distributed, *i.e.*, not enough surgeons. Not adequate X-Ray facilities.
All active members in a live county medical society	Practically all members, some inactive. Society supports public health activities.
Dentists:	
Enough, not too many	One to 1,700 at present, possibly room for a few more dentists.
All members of active local dental society	Part only belong.
Hospitals:	
Well equipped, with enough beds, efficiently managed	115 beds as compared to an average of 106 beds in ten cities of about same size. More experience will possibly bring improvement in management.
Up-to-date training school for nurses	Not adequate.
Nurses:	
Enough, well trained	25 graduate nurses as compared to an average of 28 in the other ten cities.
A community nurses' bureau or registry	No.

Total Health Score: Possible 100 — *Earned 62*

ORGANIZED LABOR FAVORABLE TO CITY MANAGER PLAN

BY ALFRED F. HOWE

Staff Correspondent of the Portland Press Herald

Mr. Howe has just visited fifty-three manager cities to find out for the Portland (Maine) Press Herald whether manager government is a success. :: :: :: :: :: :: :: :: ::

HAS organized labor stamped with approval the city-manager plan of government?

Limiting the question to the fifty-three manager cities and towns as a whole which I have visited in the last four months, it can be answered positively in the affirmative.

LABOR LEADERS INTERVIEWED IN FIFTY-THREE CITIES

Those fifty-three communities are scattered over the states of Massachusetts, Connecticut, New York, Virginia, North Carolina, West Virginia, Kentucky, Ohio and Michigan. They have a combined population of more than 2,000,000.

In every city and town visited, labor officials and members were sounded on their attitude toward the manager plan. A vast majority unreservedly pronounced it as preferable to any political system of municipal government. The minority, relatively small as a whole but numerically impressive in a few cities, just as unqualifiedly condemned the manager plan as no better than the mayor-council form and in some respects worse. "A plague on both your houses" was the attitude of a considerable element of the irreconcilable minority.

There is absolutely no question, however, that so far as the scope of my inquiries extended, organized labor is "sold" overwhelmingly on the city-manager plan. But it must not be assumed that it has no reservations regarding the way the plan operates in some instances, even though such reservations may not seem to be in keeping with all the implications of the dictum that labor has set the seal of approval upon business government. For among the preponderant majority of labor unionists who so heartily endorse the plan are many critics of the administrative personnel here and there of commission-manager government. Others pick flaws and defects in the plan itself. But with all the real or fancied shortcomings and faults of city business control, as its labor friends see them, the outstanding fact is that the trades unionists as a body are irrevocably for its continuance and its spread.

WHY LABOR FAVORS THE C. M. PLAN

The reasons labor gives for espousal of the manager plan are those which are recruiting cities so fast to the fold of business government—that it fixes responsibility, is quickly responsive to the popular will, eliminates graft and favoritism, and, in giving a full dollar in service for every dollar spent, tends to reduce the burdens of taxpayers and thus to lessen the shifting of those burdens to all without property through the media of innumerable charges.

My investigations were conducted for the Portland (Maine) *Press Herald*, which has presented my findings and is advocating a manager charter for that city. A proposal for such a charter for Portland was defeated at a referendum in September, 1921, by a majority of 101 in a vote of more than 10,000. The legislature has been asked, through a petition signed by 2,900 voters (more would have been obtained had they been necessary), for permission to hold a similar referendum next September. Indications are that the manager charter will be adopted by a decisive vote. It is modeled very largely after the instrument which will go into effect in Cleveland next January.

The findings regarding the attitude of labor toward the manager plan, as set forth in the *Press Herald*, were checked up by Portland labor leaders, with the result that the thousands of trades unionists in that city, who voted the other way in 1921, are now almost a unit for business government. Ernest E. Pratt, business agent for the Portland Carpenters' Union and legislative agent of the American Federation of Labor for Maine, is a member of the committee that drafted the proposed charter. The Maine *Labor Leader*, published by E. Shipman Smith, who has conducted labor newspapers in New England for twenty-five years, says all arguments against the manager charter have been refuted.

Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers, gave the writer the following signed statement:

November 23, 1922.

Mr. Alfred F. Howe,
The Portland *Press Herald*, Portland, Me.

Dear Mr. Howe: I have your letter of November 7 and I remember with pleasure my meeting with you in New York when you were with the New York *Herald.*

I note that the Portland *Press Herald* is conducting a campaign for the city-manager plan of government for Portland, and you ask my opinion of the city-manager form of government.

Replying to your question, I will state that I am heartily in favor of the city-manager form of government and as a matter of fact, I was a member of the Committee of 100 who brought this plan to the attention of the voters of the city of Cleveland which resulted in a vote favoring the city-manager plan, and at the expiration of the term of our present mayor, such manager plan will be put into effect.

Politicians never have and never will be able to handle the business of a city in the way that it should be handled.

Our present form of city government is extravagant and unfair to the people who have a right to expect that the business of a city be handled along business lines.

This, in my opinion, can only be done under the city-manager plan. It has, in all cases that have been brought to my attention, proven highly successful.

The city of East Cleveland has been operating under the city-manager plan for a number of years, and so far as I know, they would not give up their present form of city managership for the unbusinesslike way in which the affairs of the city were handled under the old plan of turning the business of the city over to politicians, who in far too many cases, did not have the necessary qualifications to handle the affairs of the city.

This applies to all cities as well as the one I have named.

In closing this letter, I will repeat that I am most heartily in favor of the city-manager plan of government.

Yours very truly,
W. S. Stone,
G. C. E.

THE DAYTON AND NORFOLK ATTITUDES

The attitude of E. A. Nunan, editor of the *Labor Review*, of Dayton, is well known in city-manager circles, and now his forceful championship of business government is familiar to the trades unionists of Portland. Mr. Nunan is an earnest advocate of proportional representation as the best method for making city management more representative and thereby remedying what he regards as a defect in the plan. The writer found his viewpoint reflected very widely in a more or less insistent demand on the part of labor for amending manager charters with P. R. provisions and for incorporating such provisions in new charters. Preferential voting does not seem to go far enough to fill the bill, especially in large communities, and in some cities now considering manager charters nothing less comprehensive than proportional representation is able to win labor's full support.

Capt. J. A. Kirby, of the Dayton fire department, and a vice-president of the International Association of Fire Fighters, gave the writer a message for the Portland firemen, who also are affiliated with the American Federation of Labor, commending city management as the best form of municipal government yet devised for the interests of labor and uniformed city employees.

In Norfolk the writer did not find a labor leader or a union member who was not enthusiastic for city management. The members of the Business and Professional Women's Club also were virtually unanimous for it. The only discordant notes in the chorus were struck in criticism of one or two members of the council and of this or that department head. But labor's loyalty to the Ashburner administration has been demonstrated abundantly whenever it has had a chance to express itself at the polls.

OTHER CITIES

The writer found most of the labor men of the strongly unionized city of Roanoke for the manager plan, but many of them given to biting criticism of the manner of its operation. S. A. Minter, president of the Virginia State Federation of Labor, who lives there, voiced this considerable dissatisfaction and specified many instances of alleged discrimination against small home owners and of preference to wealthy residential districts in street and other improvements. He declared that one commissioner was unfit for office because he was unmarried. But only comparatively few of the disaffected labor men favored reversion to political government.

It was largely trades unionists living in Stratford, Connecticut, and working in Bridgeport factories, whose votes recalled the commissioners of Stratford after they had ousted Manager Hunter and which elected commissioners who immediately reinstated him. Mr. Hunter had refused to play politics, and in his determination to give Stratford a business administration he found a strong champion in Mayor Sammis, around whose standard the union workers rallied almost in a body.

On the other hand, it was the union workers of Waltham, Massachusetts, who caused the abandonment of the business charter there last November. But they seemingly repented of their action in part, because a month later they were equally prominent in electing the deposed city manager as mayor of the new political administration.

Walter J. Millard, in the January issue of the NATIONAL MUNICIPAL REVIEW, makes a point of the lack of personal contact between the Dayton city hall and the people. The writer found precise counterparts of that plaint in not a few other manager cities, but in no instance did such complaints proceed entirely from the labor element.

THE GARDEN VILLAGE

A NEW METHOD OF DEVELOPING SUBURBAN LAND

BY ADOLPH RADING

Translated by Frank B. Williams

If a large tract of land is to be subdivided as building land for low houses, the following are the two possible methods that may be adopted for the purpose:

As an example, a tract is taken that is bounded by four sewered streets. Such a tract may be either built up with a small percentage of the lot covered (as in illustration No. 44) *i.e* , the area may be covered with a network of streets, and the houses, scattered over the entire area, may be located along these streets; or the tract may be built up as shown in illustration No. 45; *i.e.*, the edges and corners of the area, with an addition in the middle, made necessary by the method of development, may be covered with houses close together, while most of the area remains open.

THE SUBDIVISION A PROBLEM IN ECONOMICS

Not only in our times of poverty but at all times, subdivision, like every other building enterprise, is primarily to be considered as an economic problem. A study of our problem from this point of view shows, for illustration No. 44 as compared with illustration No. 45, a greater length of streets and a considerably increased cost of sewerage, lighting and maintenance. The economies of the new scheme would be considerable.

As a problem in economics, therefore, we must regard the differentiated subdivision of residential and garden areas as preferable; nor must its aesthetic side be overlooked.

Large areas cannot, in these times of shortage of materials and money, be built up quickly as a whole; the development must be spread over many years, perhaps many decades.

A network of streets, spread over the entire area, is significant only as a whole; as parts, merely, they are unfinished, unsatisfactory, run off into emptiness. If, however, the land to be developed be divided, and certain limited areas built up (illustration No. 45) then the separate parts, especially when from the beginning they are of different sizes, can be built up independently, each in accordance with the available resources at the time; and these parts, being definitely limited development areas, will function each for itself as an entity.

UNITY OF PICTURE

To this unity of effect is added, after the development of the entire area, a second charm—the relation of part to part, of picture unit to picture unit, the effect of each picture on the other, framed in the landscape, bringing out the unity of building land and of open country, and making the whole a clear, comprehensive picture.

Note by translator.—This article (from the German of Adolf Rading, in a recent number of *Der Stadtebau*) is here given, practically complete, as a novel treatment of a problem confronting us, in common with the city planners of all countries. FRANK B. WILLIAMS.

This result will not be obtained by a network of streets spread uniformly over the entire area; it can be produced only when the land appurtenant to each house is so extensive that the individual houses are each in effect a single picture, *i.e.*, when the area not built on is so large that the individual houses are each distinct. This can not be the case in the usual suburban development; the available appurtenant land is so small in extent as to make separate pictures impossible.

Within a network of streets we therefore find ourselves, in present-day city developments, in the inside of a widely ramifying picture, whose limits we cannot perceive, and which cannot be viewed as a whole.

LOW BUILDING TRADITION

It would be logical for the modern suburban development, in studied contrast with the high building city development, to choose an entirely new city planning form. The con-

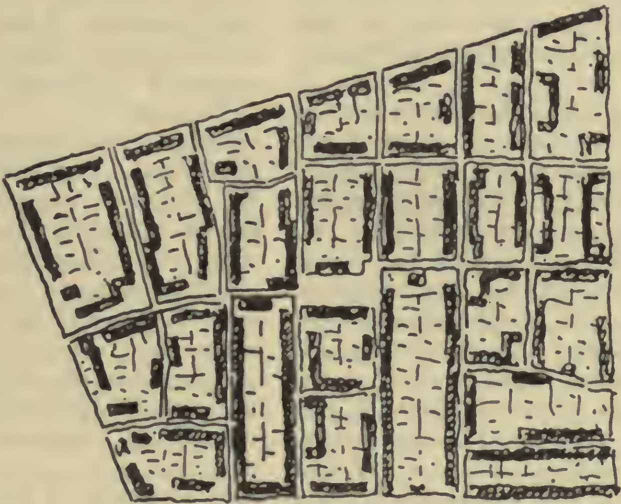

Abb. 44.

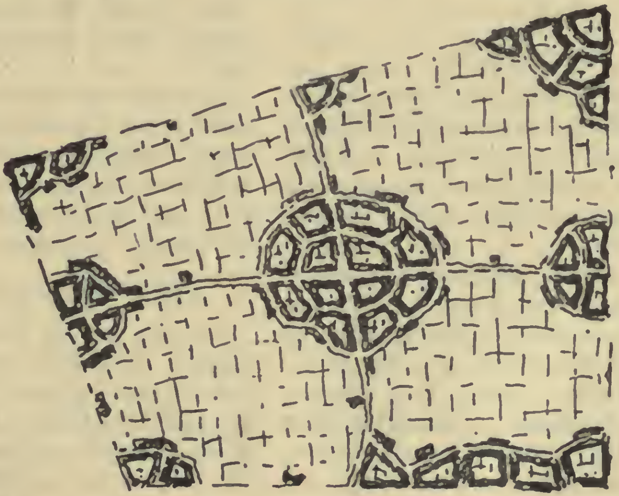

Abb. 45.

tent of such a form can be found in the existing low building development, the village, rather than the fundamentally different form, the city. The garden suburb, except in the single family type has, for the development of the land, its prototype (not in plan but in form) in every respect in the village. It would be logical, therefore, to study this tradition. In this way the transition from city to open country can be made in the simplest and most natural manner, instead of beginning, formlessly, somewhere near the city edge, on an existing street with its high houses, and running off anywhere, into emptiness.

To take the city street over into the low house development as we do at present is logically and practically an impossibility. We may modify it, practically, by narrowing it, and paving it less expensively, but we do not thus eliminate it. The suburbanite, in this form of development, does have his garden in immediate juxtaposition to his house; but since the garden must evidently be small, this forces the city upon him again, substantially modified, indeed, but nevertheless a city development—which was just what drove him from the city centre.

OPEN SPACES

Suburban developments are laid out distinctly in the interest of the children. They are an expensive form of living that for the mass of the city population, within the foreseeable future, is out of the question. If, however, they are created, they must furnish something that the city, from its very nature, cannot give—open spaces, of either agricultural or garden land, meadows and woods. The present suburban development furnishes none of these; the pedestrian finds streets, streets, streets, just as in the city; and garden land, appurtenant to houses, from which he is excluded, is practically of no use to him.

On the other hand, the amalgamation of garden land, in the differentiated development here advocated, makes many uses of garden land possible.

In contradistinction to development by a network of streets, it is not a characteristic of this method of development that to each house the plan should allot a garden, since the form of development is not dependent upon the treatment of open spaces. The garden is not desired by every one, nor can it in all cases be cultivated.

The open space so won can remain open space and be used for the general advantage. Thus the landscape can be preserved, woods retained and houses and open country do not exclude each other, but heighten each other by contrast. Beautiful spots can by this method of development be made more effective and the settlement, with its sharp limits, will furnish distinct and intelligible pictures, in the enveloping roominess of the open country.

It is possible to allow alternation of farm and garden, to lease certain tracts, or sell them, and thus to adapt oneself most accurately to existing needs.

Not alone within the area of development is the connection between settlement and open country attained, but the settlement merges in the simplest and most natural manner into the country beyond it.

RELATION TO OPEN COUNTRY

This is one of the most essential points. It is not necessary in a suburban development to repeat the type of city house—the endless rows of precisely similar houses to rent—until it becomes unendurable; and so stereotype the settlement: but rather the city man should be put in touch again with the land—a touch which to-day he has lost. In the city life of almost a thousand years this connection has been lost. It is our good fortune in Germany to have the ancient village tradition, running down to our own times. But the layout should not copy the village, any more than it does the city; for the suburbanite is a city man, and has for the most part city needs. It is nevertheless possible that out of the union of city and village a new unity will arise, that will satisfy these needs, and will not deny the claims of the land. The connection with the country cannot be attained by a mathematical scheme of subdivision of land into gardens, but only by settlement immediately in the country, vitally relating house and country each to each.

That is to say: while the high house city plan is absolutely dependent upon the building lot, the low house suburban plan cannot be evolved from it alone. Here the solution of the reciprocal relation of house and country is for the layout at least as important, and is unfortunately almost universally forgotten. In order to reach the solution it is necessary to make a city plan that in layout of streets is independent of the house form and the size and shape of the lot. This does not mean formless, romantic lack of all restraint, but, in the differentiated development of settlement as dwelling and garden land, the greatest efficiency through shorter streets, less expense for sewers and lighting, and lower building costs by use of party walls.

Characteristic, to-day, of the well-planned residential city street is not the closed block so much as the row of houses, upon both sides of which there is light and air. The row of houses, with greater spaces between the houses, has heretofore been the usual suburban development. Thus neither beauty nor touch with nature is given. The land is so divided up that it is no longer country, and community needs are sacrificed to the individual.

As soon as the effort is made to use the available area as a single unit, there is a concentration of the houses at certain points, where there is a network of main and cross streets, of a size proportionate to that of the concentrated area.

Since these agglomerations are not extensive in proportion to the ample space of the development as a whole, and since the houses are low, there is no need of breaking up the blocks. We have, therefore, as characteristic of the roomy suburban development of low houses, blocks, that formerly was the form used in city tenements.

In our discussion of suburban development, we have discussed only the city unit, including, as it does, its suburbs. This is because the composition of the city, from the city planning point of view, is an unsolved problem, and to clear it up it is necessary to attain to clear thinking with regard to it. The new economic form must begin, however, not with the city, but with the rural settlement, *i.e.*, with enterprises that are self sustaining. Only when this thickly settled open country, this new economic structure has come into existence, can the creation of the new city follow as a consequence.

It is in the sincere belief in the value of a city plan, by which the city gradually melts into and merges with country, each organically connected with the other, that this article is written. May such a city form soon arise.

BOSTON FACES RADICAL CHARTER CHANGES

BY GEORGE H. McCAFFREY

Secretary, Good Government Association, Boston

A small council, elected at large, has not attracted uniformly good men. The present mayor is not one of the "high minded." These facts give new impetus to the effort to restore the partisan ballot with election of council by wards. :: :: :: :: :: :: :: ::

From 1907 to 1909 a competent commission studied the city government of Boston. It recommended many changes in administrative methods which were adopted and have resulted in distinct improvement, particularly in financial affairs. This commission also recommended political changes. Opposition developed in both party machines and the result was that two plans dealing with the political side of the charter were submitted to the voters on a referendum in 1909. The plan of the commission won by a narrow margin. It provided for a mayor elected for a four-year term and a council of nine, elected at large, three each year for a term of three years. All nominations were to be by petition and elections were to be "non-partisan."

The biggest bone of contention ever since has been the city council. Until the end of 1918 the plan adopted worked well. During those years the council was an outstanding bulwark for good government and constructive measures. Due to its persistent efforts the "pay-as-you-go" financial policy became an accepted principle in city affairs and a segregated budget system was forced upon an unwilling mayor. Its proceedings were dignified and there was little wasted time. There was, however, difficulty in securing candidates of very high grade, particularly when older members of the council did not run for re-election.

THE COUNCIL DECLINES

By the end of 1918, there had been a serious decline in the membership of the council due to the backsliding of one or two members who had been elected with Good Government Association support, but who very soon deserted the cause of good government. About this time also the first intimations and rumors of graft in the city council, since 1909, began to make their appearance. Since then the council has gone down hill rapidly until at the present time the majority is of a decidedly cheap calibre with no real desire for good government and willing to ignore the wishes of the people as expressed in votes on referenda. It is generally believed that some members are either corrupt or distinctly amenable to the influence and persuasion of those who are corrupt. At the present time five out of nine members are distinctly "gang" men. That is, they are generally hostile to the cause of efficient and progressive municipal government. The other four were elected with the support of the Good Government Association and generally stand for its principles consistently. The mayor is an out and out "gangster" who is fast spoiling all the good work which ex-Mayor Peters did in building up sound principles of administration and good morale in the personnel.

The reasons commonly advanced for the decline in the council are, of course, various. The assertion that the present constituency is too large appears to have real merit. Boston, at present, has over two hundred and twenty thousand registered voters and owing to its topographical features the various parts of the city are not easily reached from each other. It is very difficult for anybody, without an established political reputation, to make much impression upon such a mass of voters when running for such a minor office as city councillor. It is obvious also that the cost of circularizing the voters is almost prohibitive for anybody who has not the support of a very large personal or political organization.

LITTLE INTEREST IN OFF-YEARS

In the years when a mayor is not to be elected very little interest has been shown since the war. In 1919 only thirty-five per cent of the registered voters turned out; in 1920, thirty-one per cent and in 1922 only twenty-nine and eight tenths per cent. The tendency is, of course, for the professional politicians and their supporters to constitute an unduly large proportion of this small percentage.

The public seem to be fatigued with politics by the time that the municipal election comes around. Prior to 1921 there was an annual state election. The primary campaigns begin in August and political contests continue practically without intermission until the municipal election in the middle of December. The state and national campaigns are, of course, far more important than the municipal campaign and use up almost all of the energy and a large part of the funds available for political purposes.

Still another reason for small interest in municipal campaigns is the season of the year. It is useless to begin until the state and national campaigns are over, consequently municipal candidates do not take the field actively until after the November election. It is then too cold for outdoor rallies and the expense of hiring halls and getting out an audience is more than most candidates can attempt upon a large scale, even if there is much public interest. The season of the year is also bad for election day. In the last four years, for example, the weather on election day has been as follows: 1919, clear, but with a temperature of two above zero; 1920, rainy with four inches of rainfall in twenty-four hours; 1921, a sleet storm the day previous made walking very bad while the day was raw and threatening; 1922, a rain storm brought about glare ice conditions in many parts of the city which made walking dangerous, while later in the day there were very heavy showers.

QUALITY OF CANDIDATES AT LAST ELECTION

At the last election the six leading candidates, in the order of their total vote, were as follows: Councillor Watson was seeking re-election for the fifth time; Councillor Brickley, for the first time; Messrs. Healey and Harrigan and Miss Luscomb were three new candidates with Good Government Association support, while James T. Purcell, the treasurer and one of the most active supporters of Mayor Curley in his election campaign, in 1921, was ostensibly a real estate dealer, but still very active in the retail Liquor Dealers' Association. Watson is extremely erratic, but is a clever, dirty campaigner. Brickley had a distinguished record in battle during the World War, but his record as a councillor is very poor. While the election campaign was in progress he was endeavoring to refute charges that he had received bribes to vote for two land purchases by the city. He claimed persecution by the Good Government Association, which had supported him three years previously, and the Boston Finance Commission which was investigating his conduct. Mr. Healey was a member of the city government twenty years ago, a former member of the legislature and more recently acted as editor of the *City Record* and as an assistant secretary to Mayor Peters for four years. Mr. Harrigan is a young aggressive veteran, who has been active in politics for about six years. Miss Luscomb is an officer of the Boston League of Women Voters and has been a close student of municipal affairs for about twelve years. There were thirteen other candidates with varying qualifications, but scant political strength. Watson led the ticket with twenty-five thousand votes; Brickley followed with twenty-three thousand; Healey was third with nineteen thousand; Harrigan and Miss Luscomb followed closely with over eighteen thousand apiece; Purcell got only thirteen thousand and the other thirteen candidates ranged from eighty-seven hundred to twelve hundred.

A CHARTER COMMISSION

The Boston Charter Association is an organization formed by the group which was most active in securing the adoption of the present charter in 1909, then known as the Committee of One Hundred. They felt that it would be wise to maintain an organization to ensure a fair trial for the new charter and it is unquestionably due to their efforts and the confidence which the voters have in them that the charter has been in use over thirteen years without serious change. This Association realizes that the majority of the present membership in the council is distinctly and undeniably poor, possibly corrupt, and certainly, in some of its conduct, indefensible. For the past three years they have advocated the appointment of a special commission to study the working of the charter and to make recommendations to the legislature for any changes which it deems expedient. This plan has been blocked hitherto because the advocates of a district council thought they could carry their plan, but this year there seems to be a better prospect of obtaining a new commission. A favorable committee report was made in the house of representatives on February 19, to establish a commission of eleven members, two appointed by the governor, two by the mayor, two by the president of the senate and five by the speaker of the house of representatives. Such a commission is, of course, purely political. Of recent years the voters of Boston have rejected every charter measure submitted to them as the result of the work of such a committee. It is probable that only the appointment of personnel of real ability, in whom the people have confidence, will make possible the adoption upon referendum of recommendations by this commission.

The members of the Charter Association are just as firmly convinced as before that the principle of electing the council from wards, or small districts, is unsound and that in a very short time the result of adopting that plan would be worse than the present system of election at large. One of the real difficulties at present is that the people have vague recollections, if any, of the thoroughly disgraceful conditions which existed in the old council elected by wards, while the present conditions are very much in mind. The Association feels, however, that to "revive the evils of the recent past or to perpetuate those of the present is a confession of political impotency which the people of Boston are not yet ready to make."

Nor do they believe that it will be necessary to do so. Last year, a bill providing for proportional representation in the election of the council was introduced by some individual and received lukewarm support from the Charter Association. During the year the plan was more carefully studied. This year the Association petitioned the legislature to provide for the election of a city council of fifteen members, five from each of three boroughs, for a term of two years, by the Hare system of proportional representation. Nomination was to be by petition and elections were to be non-partisan, as at present. The boroughs were to be made up by combining the present wards into districts, each containing about seventy-five thousand voters. This change was recommended in order to establish constituencies which would be more practical for candidates without great organization or large funds at their disposal. The Association was quite emphatic in its opposition to the establishment of such boroughs except in connection with the Hare system of proportional representation. The election date was to be changed so that elections would be held on the Tuesday following the first Monday in November in the years when there is no state and national election.

STRONG EFFORT TO RESTORE PARTISAN ELECTIONS BY WARDS

If a charter commission is established, as seems probable, a very vigorous effort will be made to induce it to report, not only in favor of a ward council, but also in favor of returning to a convention system of nominations and restoring partisan designations on the ballot. This movement originates largely with those who have never in spirit accepted the charter of 1909 and who are now endeavoring to capitalize the discontent with the present council. The objection is made to nominations by petition that anybody can become a candidate and that this results in an almost nondescript list of candidates without any real political strength; while it is asserted further that the restoration of party designations on the ballot would tend to make elections be fought as between the Democratic and Republican parties instead of along racial and religious lines of division, as has frequently been the case of late. To get party candidates, of course, would involve either a primary election or a party convention. These people ignore or minimize the fact that the Republican party is hopelessly in a minority in Boston and that the inevitable result of restoring a ward council, particularly with partisan elections, would simply be to re-establish village politics and to develop a new flock of ward bosses. If party designations are added other results would be the rehabilitation of both the Democratic and Republican city machines, which are now impotent and to fasten an almost impregnable Democratic machine control upon the city government. The racial and religious issues would simply retire behind the cloak of party and be just as effective and harmful as at present.

Such a charter commission would, of course, have many other subjects brought before it, such as the term of the mayor, which some people think ought to be two years; provision for his removal for malfeasance, misfeasance or nonfeasance in office; the restoration of a recall for the mayor and making him eligible for re-election; his salary; the powers and duties of the permanent Finance Commission; the control of the state civil service commission over the appointment of department heads; the removal of a tax limit and the abolition of the borrowing power; increasing the size of the school committee and revising the division of powers between it and the mayor. It is generally conceded, however, that the most contentious subjects would be the provisions in regard to the city council.

THOUGHTS ON THE MANAGER PLAN

JAMES W. ROUTH

Consulting Engineer, St. Paul, Minn.

The author believes that the manager cannot furnish political leadership necessary in large cities like Cleveland as the old fashioned mayor does. To fill the gap the prestige of the mayor under manager government must be increased to make him a real legislative leader. ::

The decision of Cleveland to adopt the city manager plan of government may be said to mark the end of one stage and the beginning of another in the evolution of city government in the United States. Heretofore confined to the smaller cities, only six of the 280 odd having populations greater than 100,000, now the manager plan apparently is to spread to the greater cities. For who can doubt but that the example of Cleveland will be followed by other cities dissatisfied with the inefficiency, extravagance and improper representation of the other more common forms of government? Surely this is an epoch-making event—this action by the voters of Cleveland!

In winning his victory in Cleveland, Doctor Hatton has given us much food for thought. The only recognition which is evident in the Cleveland charter of the larger requirements imposed by the greater size of the municipality is the enlargement of the council to twenty-five members instead of the usual five or seven, and the division of the city into four proportional representation election districts instead of one. With these slight modifications we are to witness an experiment by a great city with a form of government already proved successful in smaller municipalities. Does the Cleveland charter represent a sufficient modification of the usual text, in view of the larger problem involved?

Is it not well that we put aside any passive skepticism we may have felt in the past and consider seriously the importance of this experiment and its undoubted influence on the future of city government in our country? It is greatly to be hoped that the experiment will be successful. If it is successful, there are certain factors contributing to its success that will be brought out as they have never been brought out by the experience of smaller cities.

SOME "NEXT STEPS"

After listening to the admirable discussion of the question, "Is City Manager Government Applicable To

Our Largest Cities?" at the Chicago Convention of the National Municipal League, I must confess to a mixed feeling of admiration for Doctor Hatton and his clear-cut argument and of some regret that certain points were not given more emphasis by him in his discussion. These points have to do with what seem to me essential "next steps" in the evolution of the manager plan and its adaptation to large cities. They are to a limited extent recognized in some of the manager charters and I am sure that many who have followed the growth and spread of that form of city government are well aware of them. I claim no originality for bringing out these points. It seems to me that it is important for them to be more generally and openly discussed, and in this confess my present purpose —to start that discussion.

The chief, and indeed the only, argument against the manager plan for large cities was expressed by Mr. Hull in his negative argument at the Chicago meeting to be the need for a recognized political leadership in such cities. This leadership, according to his argument, cannot be found when the chief executive is the city manager, an appointed employe of the council. This is an argument that is enunciated wherever the manager plan is proposed in any of the larger cities. Yet it is an argument that can be discounted altogether if we will stop placing all our emphasis on the manager, his importance, his powers, his omnipotence as a panacea for bad, corrupt or extravagant government, his ability to institute efficiency and order where before all was inefficiency and chaos.

MORE MUNICIPAL POLITICS WANTED

There is much more to good government and democratic government than mere mechanical efficiency. Political leadership is an essential factor in all progressive communities. In the complexity of modern life in a great city political leadership is supremely important. But political leadership and politics in a city are far different from political leadership and politics in the state and nation. City politics has to do with community housekeeping. It is not concerned with political parties; it has no single root in the tenets of Republicanism, Socialism or Democratism—to coin a much needed term. City politics has to do with the making of public improvements and the methods of paying for them; it concerns itself with the school system, the police department and fire protection; it consists in adjusting the neighborhood affairs of a community whose major interests are identical—the protection, the beautification, the service of the home. City politics is an intimate affair that permeates the household of the city dweller. Let us no longer say "eliminate politics from our city governments"; let us rather demand more politics, better politics, real politics. Let us foster and develop community thinking on community affairs. Let us uproot the weeds of political chicanery and corrupt practices while carefully nurturing the growth of real democracy in our cities.

We can look to our new manager charters for aid in this. But we must broaden our viewpoint and in our discussions of the manager plan emphasize not only the importance of the manager but the greater importance of the return to real democratic government made possible through its adoption. The manager is important, we can all bear witness to that, but there is an even greater need in our cities—the need for real political leadership—a leadership that will confine itself to consideration and determination of the policies to be observed in executing the will of the people as to their home affairs.

GIVE THE MAYOR A BIGGER PLACE IN THE MANAGER PLAN

One essential "next step" in the development and improvement of the manager plan seems to me to be the enlargement of the importance of the mayor, the president of the council, and recognition of him as the real political leader of the city. It is true that we have grown accustomed to look to the executive for leadership, but this is no proof of the supreme right of the executive in this regard. Rather it is proof of how far we have drifted, how we have closed our eyes to the increasing encroachment of the executive on the legislative power, how we have gradually allowed the removal of the heart of the government from the representative and policy-determining branch and its improper transplantation in the branch whose rightful function is simply the efficient execution of the will of the people as expressed through their representatives. It is time that we gave more heed to the selection of our representatives and returned to them full power to determine policies and make laws. Because of the mediocre ability of the leaders of the legislative body, the executive now is frequently the chief legislative officer of the government, at the expense of executive efficiency.

The success of the manager plan is due largely to the complete separation of the legislative from the executive function. I believe that a greater measure of success is possible in the future if we will bend our energies, at least in part, to strengthening the political significance of the council and bringing about popular recognition of the fact that real political leadership may and should be found in the chief legislative officer of the city—the president of the council, the mayor under the manager plan. In taking this step we return to the original conception of democracy in government. We return to the people a greater measure of control of government than they have been accustomed to exercise in recent years. We give the legislative body full responsibility for sensing and expressing public opinion. We give to the executive, the manager, full responsibility for executing the will of the public efficiently and economically. Government then is truly representative, truly democratic.

The president of the council, to my mind, can very readily be given this added dignity of political leadership. Let him have full authority to initiate legislation; let him be a full-time employe of the people, readily accessible to the public on matters concerned with public policy; even let him, at the expense, perhaps, of apparent inconsistency in principle, have a limited veto power. Further than this, I am inclined to believe that a better choice of manager in many cases would be made if the president of the council, or mayor, were given the power to nominate the manager, the appointment, however, to be made only with the consent of the council by resolution. With the right of nomination, of course, there should also go the right to suspend or remove the manager, likewise with the consent of the council. The members of the council, and the mayor in particular, should be encouraged to run for office on platforms of public policy concerned with the development and welfare of the city.

Space prohibits more lengthy discussion of the importance of leadership and the equal importance of making accessible to the public an elected representative with adequate power to direct policy formation in line with public opinion. It may be said that a political leader cannot be created by charter, and with this I agree. I am afraid, however, that the American people have acquired a certain more or less fixed habit of mind. The word "mayor" has a certain significance above that of "councilmen" or "commissioner." Is it not reasonable to expect popular approval of a charter which gives them a mayor with greater powers than the other members of the legislative body? Is it improbable that candidates for this one office, running perhaps at large rather than from either of the four or more election districts, will be more carefully considered than the councilmen and actually be of larger caliber? My conception of this officer is not that of the dignified ceremonial head of the city. That is secondary. The primary conception is that of the political leader, chosen by virtue of his qualities as a leader, on a platform approved by popular vote.

THE QUALITIES OF A MANAGER

Perhaps I have said enough now to call down on my head the wrath of the gods, and more adverse argument than my spare time will permit me to digest. So blithely I will go my way, and turn briefly to another point which I believe must be given careful consideration in order to safeguard the future of the manager plan.

This second point is concerned with the manager himself. In approaching it I am conscious that I may be laying myself open to more trouble than I have previously encountered. Perseverance in the error of my ways, however, seems to have become a habit. Hence I shall proceed to point out the extreme need of careful selection of managers, that they may in every way measure up to the importance of their positions. In selecting a manager for a great city such as Cleveland, where shall we search? Here is a task that is truly colossal. In theory the manager plan is training men in the smaller cities for managerships in the greater ones. Practically, however, the movement is as yet too young to have done any such thing. Furthermore, it may be seriously questioned whether manager cities as a rule have been overly successful in attracting and holding men of the caliber necessary for the successful administration of the affairs of a great city. It is quite a different matter to be satisfactory as a manager of a small town and to be competent to serve as well in a great city. Almost totally different qualifications are necessary. Certainly far superior ability as an executive is required in a manager of a city like Cleveland than in the manager of a town of 50,000 or even 100,000 population. And it is obvious that the greater city and its larger and more complex problems demand a man of wider vision and greater capacity for administrative accomplishment. Managing a city, it is said, is largely a matter of common sense. But it requires more than common sense to manage a city with a population approaching three quarters of a million. The size of the job is an index of the size of the man required to handle it.

To my mind the greatest danger which confronts the manager movement is the danger of mediocrity of personnel in the managerships. People generally do not appreciate the fact that the administration of the business of government, if it is to be economical, efficient and effective, requires highly specialized knowledge as well as unusual ability. As an engineer perhaps I may brave the disapproval of my fellow engineers by saying that too often city councils choose engineers for managers solely because they are engineers. This is a mistake. Managers must be broad—broad of vision, broad of sympathy, broad of understanding. An engineering training is valuable as a basis for any executive experience, but if it has been the whole training the individual may be handicapped by inability to grasp the less technical, more human aspects of city government. Therefore, I am doubtful of the wisdom of selecting engineers as managers, unless they have had also other and broader training.

If our great cities are to have manager charters, it becomes even more important that managers be recruited from among those best qualified, that extreme care be exercised in selecting managers for the smaller cities who may be promoted to the greater. Those who have the success of the manager plan at heart, therefore, should continually insist upon care in the selection of managers. A question that may well be given careful consideration is: how may we attract to and hold in the manager positions men of outstanding ability, men of broad vision, keen executive ability and thorough appreciation of the principles and ideals of democracy in government? On our success in answering this question, it seems to me, may well hang the fate of the city manager plan.

AUTO-TOURIST CAMPS

BY ROLLAND S. WALLIS
Municipal Engineer, Iowa State College

Is the auto camp a bit of praiseworthy hospitality or a nuisance? There are more than 2,000 of them, so they must be popular. This article gives directions for cities wishing to establish one. :: ::

DURING the past five years the number of passenger automobiles in use in this country has more than doubled. There has occurred a corresponding increase in highway traffic, and every year finds more and more families taking to the road for vacation travel. Entirely aside from the spirit of wanderlust which asserts itself periodically with the most of us, there are several reasons why many new converts to the ranks of "gypsy autoists" are gained each season. The economy of the camping plan makes travel possible to many who otherwise could not readily finance such trips, while the flexibility of such a travel plan as to route and schedule is especially appealing to all. The railroads can hardly show the tourist all the points of interest he would like to see, while the automobile, on the other hand, permits him to explore and to tarry in each locality as suits his fancy. He camps where night finds him, and he comes to know thoroughly the districts which interest him.

The pioneers in this mode of touring made camp wherever suitable space could be found—frequently on the outskirts of towns near the roadside. Gradually it became the custom of municipal park authorities to allow auto-parties to camp in out-of-the-way corners of public parks. Many commercial organizations, likewise, saw

Editor's Note.—The Engineering Extension Department of Iowa State College, Ames, Iowa, has in preparation a bulletin to be entitled "Auto-Tourist Camps." It will contain about 80 illustrations.

their opportunity, and the auto-tourist camp (an institution which five years ago was practically unknown) was created to meet the need. In the last two or three years such camps have increased in number with astonishing rapidity—in fact, so popular has the idea become that it is impossible to state with anything like accuracy how many exist at the present time. One directory, compiled about a year ago, lists some twelve hundred. Probably a complete list would show twice this number.

OVER-NIGHT AND TERMINAL CAMPS

These auto-tourist camps vary in character from the simple provision of a tract of ground suitable for camping to well-organized camps equipped with all the facilities which experience has proved to be desirable. They may be classified into two general types as to function: (1) the "through" or "over-night" camp, and (2) the "destination" or "terminal" camp. Camps of the first type serve mainly as overnight camps for through travelers. The destination camps are located near points of such interest that many users consider the locality as at least a temporary destination. Some camps function in both ways.

The tourist-camp has had its beginnings and most rapid development in our western states. The directory already mentioned shows that the states east of the Ohio and the Mississippi rivers are outnumbered, on the average, five to one as to the number of camps per state. In most of these western states some sort of a camping site is available within a few hours' drive from any point. This means that a growing competition exists in the matter of providing attractive accomodations. The town that is content merely to set aside a tract of ground and to erect a few signs welcoming the auto traveler is being "passed up" by much traffic which often might readily be persuaded to stop over.

The possession of an attractive camp is rapidly coming to be (with auto-tourists at least) a sort of measure of civic progressiveness. Certainly, every community that is favorably located on a highway of importance and does not maintain a suitable camping ground is overlooking a real opportunity, because, aside from enjoying the satisfaction of having rendered an attractive service to the tourist guest, the town profits materially in other ways.

THE ADVERTISING FEATURE

It would be difficult, for example, to find a more effective way of advertising any community. The auto-traveler is one of the most prolific boosters a town can hope to enlist. Hospitable towns are advertised from one end of the country to the other by appreciative visitors—and this brings more visitors. Tourists are good spenders and do most of their buying in towns where they stop over. The average auto-tourist travels leisurely, frequently remaining for several days in towns that evidence their hospitality by offering real service. The various local purchases (cash purchases, by the way) of an average camping party total higher than is ordinarily thought, being variously estimated by commercial organizations at from one to five dollars per person per day. Under favorable conditions it can be shown that the profits on these retail sales cover the cost of carrying and maintaining the camps several times over. Some auto-tourists are looking for new homes. Many a town has gained desirable citizens through the local camp which afforded such parties an inexpensive resting place while they leisurely looked the community over and became acquainted with local people and conditions. Adequate tourist camps also discourage indiscriminate roadside camping with its various objectionable features and its hazards.

The existence of a local tourist camp results, then, in certain community benefits of indefinite value, as well as a direct and measurable gain to the merchant class due to their profits on the sales made to the city's transients.

SELECTION OF THE SITE

In the selection of a suitable camp site it is necessary to consider natural conditions, such as drainage, soil, shade, water frontage and natural beauty; accessibility, as to highways and the business district of the community; public utilities—particularly water supply and light; the ownership of the ground—whether to be public or private; and the area required.

Many camps are located in public parks, and this works out satisfactorily where the park is large enough to avoid any crowding of the visitors by the ordinary local uses of the area, such as picnics, band concerts and other public gatherings. It is not fair to invite transients to a city and then to tolerate the possibility of their finding the facilities being uncompromisingly monopolized by some local picnic party. Nor is it reasonable to expect campers to keep such grounds neat and clean, as the local users notoriously leave things in an untidy condition. If it is not practicable to set aside for the transients a definite area and sufficient facilities so as to secure for them a reasonable degree of privacy, some other site should be obtained.

CAMP EQUIPMENT

Camp equipment has not become standardized to any marked extent, and it is probable that there will always be considerable variation in the equipment provided, due largely to differences in local conditions. A satisfactory solution of the important problem of camp shelters, for example, depends to a considerable extent on climatic conditions. Certain facilities are of course essential, while other items may more properly be classed as unnecessary conveniences. The general competitive tendency, however, is to provide more and better equipment. While a sort of standardization is being approached, the equipment of the average camp is undoubtedly below this future standard.

A convenient and ample supply of pure water is a fundamental requirement. Under ordinary conditions connections should be made to the city water mains, as such water is under pressure and may readily be piped to any part of the grounds. Wells and springs of known purity may be made to serve small camps, but such water should be protected carefully from surface contamination. Even at larger camps it may sometimes prove advisable to rely on wells or springs, distributing the water about the grounds by means of one of the various pumping systems available.

The satisfactory disposal of sewage is another fundamental requirement. Nothing is more appreciated by the average camper than clean and sanitary toilets. At too many camps the accommodations are abominable and get worse as the season advances. The essential fault is more often with the maintenance than with the equipment itself, as with proper care and cleanliness almost any well-constructed equipment will prove satisfactory from the sanitary standpoint. Where it is practicable to connect with the city sewer system, no other plan should be considered. Otherwise, the advice of the state health department should be obtained and carefully followed.

The grounds should be well lighted for the convenience and safety of the campers. The exact nature of the installation depends on the local conditions.

While most campers carry their own stoves, most camps provide some sort of cooking equipment—usually wood-burning stoves of brick, concrete or stone. Such stoves are ordinarily poorly-designed and of little practical value to the camp cook. The fuel supply is oftentimes a vexing question. Many camps now are equipped with a number of gas-plates, the user paying for the gas by means of a coin-in-the-slot meter. Open fires should be prohibited, due to the litter, the fire hazard, and the damage to the sod. It is desirable that at least part of the cooking facilities be under cover, so that they may be used in inclement weather.

A camp that provides no shelter to which auto-parties can resort during spells of bad weather can hardly be regarded as fully equipped. The present tendency seems to be to provide some sort of a central service or shelter building. Often this is obtained by remodeling an existing building, while many progressive communities have erected fairly elaborate structures for this purpose. Such buildings may include such facilities as kitchens with running water, sinks, lockers for food and stoves or gas-plates for cooking, with tables and benches for serving meals, with heating stoves or fireplaces, easy-chairs, writing-desks, looking-glasses, telephones, drinking-fountains, touring-maps, local directories and reading material, with wash tubs, toilets and shower baths—in short the structure is made a sort of community center for the camp. Often the caretaker lives in the building.

Every camp should have some sort of bathing facilities. If natural beaches are not available, shower baths should be installed for the comfort of the visitors.

CAMP MANAGEMENT

The relative importance of camp maintenance can hardly be overemphasized. Most camps that fail in spite of favorable locations do so through a lack of good management. Auto-tourist camps will not run themselves. It may be accepted as a sound and fundamental principle that such camps, to be a true success—an asset to the community—must be given careful and practically continuous attention throughout each season.

A caretaker is essential. He should be selected carefully, as much of the success of a camp depends on his attitude and personality. He is the local person with whom the visitor comes in closest contact. It is therefore very important not only that he take pride in the camp and in keeping its facilities attractive, but that he also personify to the campers the community's spirit of hospitality and cheerful service.

Tourist camps usually have police protection, but the method in which it is handled varies with local conditions. Most caretakers are deputized as police officers. Where the camp is in a public park the park police look after it.

Registration of visitors is of value in various ways to the community and to the visitors alike.

While most camps are operated on a "free" basis, many "destination" camps patronized by large numbers of tourists on account of local attractions are operated on a "pay" basis — usually a charge of fifty cents per day per car. Whether the tendency is or is not toward putting camps on a charge basis cannot be stated with assurance.

Those localities which have camps overrun with visitors find it hard to resist making a charge, which apparently is willingly paid by most travelers. There are good arguments on either side, but hardly space here to state them fairly. Beyond doubt, if the merchants directly benefited contribute towards the cost in reasonable proportion to their direct gain, any community favorably located can afford to maintain a first-class camp on a no-charge basis. The local viewpoints of commercial organizations and of municipal officials must, however, decide the policy to be followed.

A neat and attractive camp can be maintained only at the price of continued and efficient vigilance in the collection and disposal of camp refuse. The average camper will overlook a lack of elaborate facilities if the essentials are present and the camp is kept clean and sanitary. This means regular and frequent collection of garbage and rubbish, and scrupulous cleanliness in the matter of the camp toilets.

Every camp must adopt certain regulations covering the management policies as to length of stay, camp advertising, camp soliciting, use of grounds, camp fires, car repairing, sanitation, sickness, horse-drawn vehicles, permits, etc. Lack of space forbids any discussion of these interesting problems.

Camps may be given publicity in various ways. In addition to the "goodwill" boosting of the pleased tourist, such agencies may be used as road signs, camp-entrance signs, printed maps and folders, daily papers, and local civic organizations.

WHAT A TOURIST CAMP COSTS

The first cost of an auto-tourist camp may vary from a few dollars to many thousands. This wide variation depends not alone on the capacity of the camp and the character of its facilities and service, but also on the extent of local donations of land, time, labor and materials. The first cost may be divided into (1) the cost of the site and (2) the cost of the equipment. Under favorable conditions the cost of the land may be little or nothing, but the provision of satisfactory equipment nearly always involves expense, even where there are existing facilities that may be utilized. Probably, under average conditions, the construction costs for a camp of average capacity could be tentatively estimated at between one and three thousand dollars. It is, however, readily possible to put more than this maximum into a shelter-house alone.

Many factors enter into the cost of maintenance, such as the length of the season, the camp capacity, its popularity, the ground rental, the cost of water, lights, fuel and telephones, the compensation of caretakers and police, general repairs and upkeep, and the returns from service charges or from concessions. Inspection of certain camp-maintenance figures seems to indicate that the maintenance costs of a well-equipped and well-managed camp may be taken as approximately twenty per cent of the equipment investment. Special local conditions can easily affect this ratio materially.

WHO PAYS THE BILL?

The cost of equipping and maintaining an auto-tourist camp may be borne or shared by the municipality, commercial organizations, civic organizations, automobile clubs or by individuals. Nearly every possible combination of these agencies may be found financing these camps, but the order in which they are listed indicates approximately the relative investments of each, taking the country at large.

As has already been pointed out, the municipality derives certain broad benefits from the existence of a local camp, while the local merchants, as a class, derive the direct financial gain. It seems that a fair division of the burden should be made, chiefly between these two parties. Generally the municipality can be fairly looked to for the land, such municipal utilities as water, lights and sewers, and perhaps certain police protection. The commercial organizations, possibly assisted by local civic and automobile organizations, can well assume the equipping of the camps, as well as a major portion of the maintenance expense. Progressive commercial clubs are enthusiastic as to the trade advantages created by the existence of their local tourist camps. Where such organizations show a tendency to shoulder the entire burden on to the municipality they are apt eventually to experience the chagrin which usually comes to those who try to get something for nothing.

CHICAGO'S VICISSITUDES UNDER STATE REGULATION OF STREET RAILWAYS

BY CHARLES K. MOHLER

Chicago

Chicago's street railways have been regulated aplenty but not always to the advantage of the people. :: :: :: :: :: ::

When the *Fate of the Five-Cent Fare, Chicago* was published in the Review (September, 1919) the fare paid on the surface lines was seven cents and on the elevated lines eight cents, by permission of the Illinois public utilities commission.

CHRONOLOGY OF FARE CHANGES

Since the state commission assumed control over the local transportation affairs of Chicago, the following rates of fare have been in effect:

The Elevated Lines.—On November 19, 1918, the elevated roads were authorized to charge a six-cent fare.

On August 6, 1919, an increase to eight cents was authorized.

On January 28, 1920, an order was issued extending the right to charge an eight-cent cash fare, to July 31, 1920. It also provided for two tickets for 15 cents.

An order on July 31, 1920, established a ten-cent cash fare with four tickets for 35 cents. On January 4, 1921, these rates were ordered continued indefinitely.

On September 18, 1922, the elevated roads, voluntarily, with the consent of the commission, reduced the ticket rate to three tickets for 25 cents. The ticket rate was thus reduced from 8¾ cents to 8⅓ cents. At this writing the cash fare remains at 10 cents. A weekly pass, transferable and good for an unlimited number of rides, has been initiated at $1.25.

The Surface Lines.—On April 25, 1919, the public utilities commission denied a petition of the surface lines for an increase in fares.

On August 8, 1919, the surface lines began charging a seven-cent fare, permitted by the commission.

On June 19, 1920, the commission fixed a fare of eight cents.

On November 5, 1920, the commission entered a final order continuing the eight-cent fare.

On November 23, 1921, the commerce commission (successors to the utilities commission and with a new personnel) entered an order reestablishing the city ordinance fare of five cents.

The companies went before the United States district court and secured an injunction to prevent the order going into effect, meantime continuing to charge an eight-cent fare.

On April 8, 1922, an order was entered by the commission establishing a tentative fare rate of six cents to go into effect on May 1. This in turn was stopped by a United States district court injunction.

On June 15, 1922, an order of the United States district court became effective for a seven-cent cash fare with three tickets for 20 cents. All passengers are entitled to a transfer slip to be retained as a rebate check, in case the court decides the seven-cent rate has been too high.

THE STATE STEPS IN

Space will permit of a partial review of surface line cases only. These cases are typical and the more important as the surface lines carry about 80 per cent of the city's local transportation.

Most open-minded people of Chicago have resented the interference of the state in the regulation of local utility service. This is especially true where state interference has resulted in setting aside what were intended to be, and regarded as, valid and binding contracts with service companies.

The Fate of the Five-Cent Fare related in some detail the refusal on April 25, 1919, of the utilities commission to grant the Chicago surface lines an increase in fare over the ordinance contract of five cents. The commission deducted about $45,000,000 from the $156,482,000 capital account, claimed on account of the ordinance contract with the city. Unbiased citizens conversant with the situation, felt that the commission had made its finding in the public interest.

In July, 1919, a strike was called for an increase of wages and better working conditions. The companies went before the commission and demanded an emergency increase in fares. As above noted, the seven-cent rate was allowed and became effective August 8. The companies, in the meantime, had undertaken to have valuations made.

THE COMMISSION LOOKS AT VALUES AGAIN

The companies presented claims in the hearings for values from $164,453,000 up to $247,246,000 for their properties, depending on the unit prices as of different periods or dates. The totals were as follows: Cost new as of April 1, 1919, $200,371,689, less depreciation $164,453,284. Cost new at average prices, period 1914–20, $176,588,415. Cost new as of April 1, 1920, $247,246,637. While, as just stated, the companies claimed their properties were worth much more than that provided for in the contract with the city, amounting on June 1, 1919, to a total of $157,700,461, they magnanimously admitted they would be satisfied with the capital account as a rate base. (This is almost exactly what they were finally allowed.)

The commission carried the hearings on valuation to a conclusion, following the petition for and allowance of emergency rates, on August 8, 1919. The outcome of the strike, as shown later, has been very profitable to the companies.

BASIS FOR DETERMINING VALUES. ORIGINAL COST

In considering Case No. 9357 for the final order, the commission reviews the figures available through the capital account. In this they tabulate the amounts given in the original Traction Valuation Commission's (T. V. C.) valuations made by the city for the various properties prior to the time they were brought under the settlement ordinances of 1907. The new value for about 872 miles of single track is given at $71,686,814, and the depreciated value at $52,566,428, or 73.3 per cent of new. The commission states that: "In determining the original cost of the property now employed in the public service, we must eliminate the original cost of the property destroyed during the period of rehabilitation. . . . We find from a consideration of the evidence that $23,000,000 is the deduction that should be made on this account." The text of the findings in Case No. 9357 does not disclose the method or evidence through which the figure of $23,000,000 for deductions was reached.

It may be worth while to present some of the figures as revealed in the reports of the board of supervising engineers in reference to rehabilitation. It appears that out of 871.6 miles of single track involved in the original valuation of $71,686,814, 481.8 miles (including all of the cable lines, by far the most costly portion), or 55.3 per cent of the single track, was reconstructed during the three-year period of rehabilitation.

In the commission's summary of the case, they tentatively at least allow 25 years as the life of rail. This in turn would indicate an annual depreciation of 4 per cent. If an equal amount of the 481.8 miles of track were reconstructed in each one of the three years of the rehabilitation period, this would indicate an average remaining life from the date of valuation until the time of replacement of one and one-half years, or an average remaining per cent of wearing value of 6 per cent. Assume that the average time for completing rehabilitation was two years and the remaining wearing value 8 per cent. Add to this 7 per cent for scrap value and you have 15 per cent as the remaining value of 55.3 per cent of the property which was replaced during the rehabilitation period. As it may be fairly assumed that other elements of the property were replaced at the same ratio as that for track, we then get at least 55.3 per cent of $71,686,814, which equals $39,642,808. But only 15 per cent of this amount apparently remained at the time the valuation was made, or 85 per cent of $39,642,808 equals $33,696,387 as the depreciation to deduct from the original new value of $71,686,814. The depreciation deduction may justly be more than 85 per cent. There is in addition some amount of depreciation that should be deducted from the balance of $32,044,006 which remains after deducting the rehabilitation amount. The commission assumes in the review of the case, that 20 per cent depreciation or 80 per cent condition is the proper amount to allow for normal depreciated condition. Taking 20 per cent of $32,044,006, we get $6,408,801 as an additional deduction to make for depreciation. This together with the $33,696,387 gives a total depreciation deduction of $40,105,188 to be taken from the new cost value of $71,686,814. In other words, on the above assumption, the actual value that remained in the property at the time the valuation was made would appear to be not over $31,582,626. The actual value of the property was probably much less than this amount, for the reason that some which did not pass through rehabilitation was placed at 55.8 per cent and at 70 per cent of condition new in the valuation, instead of the assumed 80 per cent. Property of this kind in the hands of a receiver, as some of it was, is rarely maintained at 80 per cent of condition new. The second-hand value is more nearly 50 to 60 per cent for a *well-maintained* street railway property.

To the $48,630,620 allowed as the value of the old property now used or useful, they added $84,658,575 as the amount of the rehabilitation, additions and betterments since the original valuations, amounting to a total of

$133,289,195 as the original value of the property in service January 31, 1919.

After making various adjustments, the commission says: ". . . we find . . . $122,168,809.80 represents the original cost of the property . . . on January 31, 1919, . . . now employed in the public service, deducting depreciation which had accrued at the time of the Traction Valuation Commission valuation. . ."

If the original new value not rehabilitated ($32,044,006) is added to the $84,658,575 cost of rehabilitation and additions since the valuation of the T. V. C. and the total reduced to 65 per cent of condition new, we get $75,856,678. Add to this the depreciation reserve $7,945,200 and the residual value of the rehabilitated portion at the date of valuation for the ordinance contract we get a total of $89,748,300. Even this is probably $25,000,000 to $30,000,000 more than the honest secondhand value of the property at the time of the hearing.

The cost to construct and fully equip an electric railway under normal conditions is generally from seventy to eighty thousand dollars per mile of single track. The total operated revenue single track amounts to about 990 miles; 990 miles at $80,000 per mile gives $79,200,000. If the liberal figure of $90,000 a mile is used, we get $89,100,000 new value, which at 70 per cent condition gives $62,370,000. Adding the depreciation reserve to this, gives $70,315,000.

Apparently no deductions are made for depreciation on the reconstruction and additions to the property during and since rehabilitation. The commission claimed that the depreciation reserve based on 8 per cent of the gross earnings takes care of all depreciation. It states that 8 per cent of gross earnings amounts to 3 per cent of the value which it assigned to the property. Three per cent annual depreciation means an average life of the property of over 33 years. Anyone conversant with street railway properties knows that no such average life as this is attained.

In discussing the question of original cost, the commission says: ". . . we find from the evidence that the sum of $122,168,810 represents the original cost of the property . . . on January 31, 1919, . . . deducting depreciation which had accrued at the time of the T. V. C. valuation and excluding franchise values, property destroyed during the period of rehabilitation, the 10 per cent and 5 per cent additions . . . ," etc. "There is a serious question whether the existence of this fund and the use which has been made of it does not make improper deductions for depreciation from the original cost of the property valued by the T. V. C. and remaining in service after the rehabilitation period. After taking care of the renewals on January 31, 1919, there remained in the renewal fund . . . $7,945,200."

Apparently few major renewals have so far been undertaken on property constructed during the rehabilitation period or on the new extensions and betterments since then. The amount of the renewal fund on January 31, 1919, would not go far towards major renewals and replacements; consequently the integrity of the investment and property value is far from being maintained.

COST TO REPRODUCE NEW

The exact grounds on which the commission reached its conclusion on this basis is not fully disclosed. The following is its statement in part: "The evidence of the engineers who testified as to the cost to reproduce the property new is to some extent conflicting. We . . . find that the cost to reproduce new the property

. . . now employed in the public service, . . . is $170,000,000." From this 20 per cent depreciation is deducted, leaving $136,000,000. To this is then added the amount remaining in the depreciation reserve of $7,945,200. ". . . we find the cost to reproduce new . . ., to be the sum of $143,900,000."

The commission discarded the actual cost method of arriving at a valuation for the rate base, in favor of the "cost to reproduce new." Where complete reliable cost records of construction are available it is hard to understand why the actual cost method should be abandoned in favor of the cost to reproduce new. The cost to reproduce new method was adopted originally only because of incomplete, or the total absence of construction costs records, in making valuations. This method has been found to lend itself admirably to the claim for intangibles, with which so many valuations have been adorned. Another favorite expedient has been recently to have reproduction cost valuations made during the period of high costs, with prices as of that date, or an average extending through the peak of high prices.

For the greater portion of the property in question, the records of the board of supervising engineers are believed to be fairly complete and reliable.

SECURITIES AND TAX VALUES

The commission discusses the amount and market value of outstanding bonds and stocks; also taxation values for rate-making purposes. These factors give no weight in determining values.

GOING VALUE ALLOWED

Under "going value" the commission allows the amount of $20,000,000 to add to the rate base.

"PRESENT VALUE FOR RATE-MAKING PURPOSES"

Under this formula the commission uses $143,500,000 (the depreciated value, to which is added the depreciation reserve) plus $20,000,000 of going value, together giving $163,500,000. After making certain deductions, it reaches the conclusion that the value of the property January 31, 1919, ". . . is at least $157,164,908." This is some $500,000 less than the company claimed for the capital account on this date. To bring values up to April 30, 1920, an addition of $1,948,206 is then made, giving a total of $159,113,114. This is the amount the commission claims as the proper value for rate-making purposes.

WORKING CAPITAL INCLUDED

In the table of valuations presented, and published by the commission, the item of working capital is given under various assumptions at from $1,897,951 to $2,060,128.

As before stated, the data available for review is too limited and the scope of this article not sufficient to admit of a review of all of the important elements of the case. Working capital and going value allowances deserve some attention when allowed as a part of the *value* of a rate case of this kind.

THE EQUITY OF WORKING CAPITAL

The need for working capital in the conduct of a business or service arises when expense is incurred for labor and material in production, and time elapses before bills are collected for the product or service. Examples of this kind are water, gas, electric, and telephone services, where the service is metered and bills rendered and collected after the service has been furnished. Under such conditions the average period between the time the expense is incurred and the collection of the bills would be from two to six weeks, and of necessity capital or cash is required to carry the expense during the interval. On the other hand, urban transportation is a cash business. The service is paid for before it is rendered. Where tickets are sold money may be collected several days or weeks ahead of the time service is furnished. At the end of any day money has been collected fully to pay for all labor and material employed. It is not easily understandable why this $1,943,727 should be injected into the rate base and the car riders obliged to pay returns thereon.

It may be necessary in order that no violence should be done to the fourteenth amendment to the United States constitution. It really looks like obtaining money, from the car riders, under false pretenses.

EQUITY OF GOING VALUE

It is not quite clear why going value for a transportation enterprise should be capitalized against the car rider. In a manufacturing or mercantile business a prospective purchaser of the business might very well consider paying something, in the nature of going value, for a business well established and prosperous, over and above the bare physical value of the property. One would not suppose the incentive to be on the basis of the new owner expecting to charge more for the product than the previous owners, but rather on the basis of his being able to go ahead and do business with less expense and consequently more profits than if he started in to build up a new business.

According to the theory of regulation, it is to be assumed that the rates have been high enough to take care of operating costs, fair rates of return on the investment and to provide adequate maintenance and depreciation funds. In building up the investment base of the *cost to reproduce new, liberal allowances were made for such contingencies as might be necessary to make the property "a going concern."* In the "summary of evidence on cost of reproduction new" tabulation, the following items are given in the companies' claims for value:

Expenditures not apparent in inventorying	$3,525,823
Frontage consents	1,049,299
Administration, organization and legal expense	3,382,927
Taxes during construction	1,786,751
Interest during construction	7,582,112
Working capital	1,943,727
Total	$19,270,639

In the actual creation of a transportation property many of the charges just listed are actually taken care of through operating expense which the riding public pays for. Others exist partly at least in the realm of imagination.

The foregoing list shows an item, in the companies' claims, of $1,786,751 (a little over 1 per cent of new cost value allowed by the commission) for taxes during construction. An examination of a number of the annual reports of the board of supervising engineers discloses no mention of taxes during construction being included in the items of the capital account. It is the general impression that the "capital account" of the ordinance contract has received at least liberal treatment in the interests of the companies.

Because a transportation concern is well organized and prosperous is no reason why the traveling public should be penalized and taxed extra fare on account of its prosperity. If honest and efficient regulation of a transportation company were possible, excessive earnings and dividends should never be allowed to the company, but any such excess should go towards the amortization of the investment. As pointed out in the previous article, one of the Chicago companies collected enough to pay, on an average, over 44 per cent in annual dividends for quite a period of years. Nevertheless, capital accounts and valuations are rarely if ever being reduced but generally padded with fictitious "intangibles."

RATE OF RETURN

The contract with the city limited the companies to a return of 5 per cent on their capital account. Any income above this was considered net profit which the city and company both shared; 55 per cent going to the city, the companies retaining 45 per cent. The capital account covered everything the companies were entitled to lay claim to and in fact much more. The commission specified a rate of return of 7½ per cent. As previously shown, by using war prices, including working capital, going value and other items, they built up the valuation to practically the equivalent of the capital account of the companies called for in their contract with the city, and on which they claimed to be entitled to returns.

The items of "working capital" and "going value" amounting to $21,943,727, on which the commission allowed a return of 7½ per cent, imposes an annual burden on the car riders of $1,644,780, or an average of 61 cents per year for every man, woman and child in Chicago.

If on the other hand the original decision of April 25, 1919, had been allowed to stand and the capital account reduced by $45,000,000 and the rate of return left at 5 per cent, the car riders would have been saved the difference between $159,113,115 at 7.5 per cent and $114,650,000 at 5 per cent, amounting to $6,200,983, or over $2.29 per capita per year. Possibly the situation is covered by the plea of a street railway president in the middle west recently who contended that the car riders would only spend their pennies foolishly anyway and therefore the company might just as well collect them.

If not allowed to question the findings of value, we may be permitted to object to paying 7.5 per cent per annum on a business where the state steps in and undertakes to guarantee the returns. The hazards of the business seem to have disappeared. The state authorities claim the city was never expressly given the right to make ordinance contract rates. It was, however, fully believed to be a right and was exercised for many years in good faith.

The commission also assumed jurisdiction over the regulation of service. The service has probably never been worse at any time than it has been under state control and increased rates of fare.

THE REAL INVESTOR AND HIGH FINANCE PROFITS

As pointed out in the previous article, it is the bondholders for these properties that are in a precarious position, not through any fault of the car riders but because of high finance in traction management.

The state commission might very well have shown concern for the bondholders and if necessary invited receiverships, so that funds could be conserved for bond liquidation.

The reports of the board of supervising engineers show that for the year ending January 31, 1921, the cost for "conducting transportation" had increased 88 per cent, while the "remaining net receipts" increased 458 per cent, over those for the year ending January 31, 1919 (the last full year under the five cent fare).

On the presumption of *no real equity above* the outstanding bonds, it can hardly be claimed that the *$696,755 net receipts* of January 31, 1919, *were less than they should have been.* They were increased in two years from $696,755 to $3,887,969, or 458 per cent. It appears that the victims (?) of the strike of July, 1919, have prospered under state regulation.

THE INITIATIVE AND REFERENDUM AND THE ELECTIONS OF 1922

BY SCHUYLER WALLACE
Columbia University

THE Noes have it again. As usual, a majority of the measures submitted to the people were voted down during 1922 to the tune of 100 to 66. Although the recommendations of state legislatures in regard to matters of constitutional concern were more often approved than were any other class of measures, even here the mortality approached fifty per cent.

Of the forty times that legislative action was questioned by referendum petitions, in thirty was the measure vetoed by popular action. On three quarters of the occasions that sufficient apprehension was aroused in any portion of the public to cause them to reach for the emergency brake, that brake was applied. Nevertheless, unless the output of our assemblies has diminished considerably since 1905—and such is not the case—the referendum must still be considered in the light of an emergency appliance. Thirty vetoes upon thirteen thousand measures warrant no other appellation. The referendum, 'tis true, is confined to twenty-two states, but, even so, the percentage must be exceedingly small.

Although forty-two measures were proposed by the initiative, only six passed. It is interesting to note that of these six, four were in California. Two established medical examining boards, osteopathic and chiropractic; one outlined the budget procedure and established a system of itemized revenues and expenditures; and the other favored state aid to veterans of the World War in the acquiring of farms and homes. The automobilists in Colorado were evidently disturbed over the condition of the roads, for the state voted a $6,000,000 bond issue upon popular initiative. In Washington the poll tax was abolished.

The following table sums up the situation.

Grand Total	174	Yes 66	No 100[1]
Constitutional Referendum	92	50	42
Initiative measure	42	6	28
Referendum	40	10	30

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[1] Figures on the educational reorganization of Arizona, the Oregon proposals, and the game law of Arizona are not available.

CHARACTER OF THE MEASURES

Of the one hundred and sixty-six measures from which returns have been secured, over one-half (86) dealt with matters which were distinctly political, *i.e.* measures relating either to administrative organization or to reform in methods of popular control. One quarter (43) dealt with public finance, a matter which could with some justice be placed under the category political, but which because of its far-reaching social and industrial consequences has been singled out for separate consideration. Twenty-five of the measures dealt with social problems, and twelve with economic and industrial.

The political measures were principally of seven types, those containing suggestions as to administrative reorganization, those increasing local autonomy, those reapportioning representation, those dealing with terms of office, and those increasing the pay of government officials. Attempts were also made to improve election machinery. In several states there were proposals for constitutional conventions.

In general, proposals for radical reorganization were voted down. This was the case in both Arizona and Missouri. Patchwork reorganization was generally approved. Measures of this character ranged from the establishment of additional examining boards in California to increasing the power of port authorities in Louisiana and Michigan.

The trend of the times is still toward increased local autonomy and increased local power. This was evidenced not only in the Pennsylvania home rule amendment, but in the defeat of all attempts to increase legislative power over localities. The fate of the suggestion in South Dakota that the legislature be allowed to change county lines without reference to the inhabitants thereof was typical.

Another characteristic of the period is economy, clearly indicated in the defeat of all attempts to increase the pay of public officials, and the attempts were numerous.

Wherever the matter was submitted to vote, as it was in Nebraska and Washington, assaults upon the direct primary were repelled. In fact, all attempts to infringe upon the principle of direct government either by raising the number of signatures required for initiative, as in California and South Dakota, or in the application of a literacy test, as in Washington, were voted down. In three states, Colorado, Illinois, and Virginia, the proposition of calling a constitutional convention was voted down.

FINANCE MEASURES

Finance measures fall into four general categories: taxation, bond issues, tax limits, and debt limits. Practically all measures of tax reform were defeated, whether they were measures of classification as in California and Utah, or of income as in Colorado and Michigan, or the single tax as in California and Oregon. The poll tax was repealed in Washington, but this is about the only straw of hope the ballots hold out, and this, in the opinion of some, was offset by the passage in Alabama and California of special tax exemptions for service men.

Bonds were issued last year for three purposes, road building, internal improvements, and soldiers' bonuses. Measures in favor of the latter were passed in California, Iowa and Montana. A further proposal was defeated in California, and in Oklahoma the major bonus proposal went down to defeat. In Alabama, Colorado, and New Jersey, bonds were issued for road building purposes. In Arizona an initiative proposal of this character was voted down. In Alabama $10,000,000 were voted for internal improvements, but the $500,000,000 proposal in California was more than the voters could stomach.

Both tax limitation and debt limitation measures fared ill at the election. The Ohio tax proposal failed, although one in Alabama carried. Efforts to increase the debt limits of Arizona, Utah and Wisconsin accomplished nothing.

SOCIAL QUESTIONS

Of the twenty-five attempts to solve social problems, large numbers dealt with matters of education. These ranged in character from proposals to reorganize country school systems to an attempt to change the location of the University of Colorado. Most of the suggestions were not accepted. Perhaps the most interesting was the compulsory education bill of Oregon. All children of school age, with certain exceptions, were compelled to go to the *public* schools of the state. Despite the opposition of Lutherans, Seventh Day Adventists, Roman Catholics, independents and private school interests, the measure passed.

Three states had referenda upon prohibition. There was, also, an expression of public opinion in Illinois. In the three states that voted upon concrete measures, prohibition won the day. Two out of the three states voted dry and in the total vote of the three states, the drys led by more than 100,000. If the figures for Illinois, where the Anti-Saloon League leaders advised the drys to refrain from voting and so prevented a real test of strength, —if the figures of Illinois are added, the lead falls to the wets.

The anti-vivisection forces were overwhelmingly defeated as were also the proponents of motion-picture censorship. In fact, most of the proposed social reforms were disapproved.

With the exception of two propositions recommended by the legislatures of Minnesota and Nebraska respectively all propositions in regard to industrial matters, whether concerned with the regulation of public utilities, or the embarkation upon programs of state ownership, failed. The two measures in the field which met the approval of the voters were the Minnesota measure extending state credit to farmers and the Nebraska act prohibiting the establishment of all banks unable to obtain a certificate of necessity from the state banking board.

HOW THE MEASURES GOT ON THE BALLOTS

It is interesting to note the means by which these various types were placed on the ballots. Fifty-six of the political proposals were constitutional referenda; twenty-one were legislative proposals questioned by the voters, and only nine were initiative measures. Fifty-three were vetoed; twenty-nine of the fifty-six constitutional referenda suffered this fate; eighteen of the twenty-one referenda proposals, and six of initiative measures. The great majority of the financial proposals were also on the ballot because of constitutional mandate. Twenty-eight, five and ten are the numbers which must be attributed to the constitutional requirement, the referenda, and the initiative respectively. It is interesting to note that almost one fourth of these measures were placed on the ballot through the initiative; of these only one carried. Of those placed on the ballot by the referenda, only one was lost; and in twenty of the twenty-eight cases of constitutional amendment, the recommendation of the legislature was followed.

A much smaller proportion of meas-

TABLE SHOWING MEANS BY WHICH MEASURES WERE PLACED ON BALLOT

Character	*Means*	*Decision*		*Means*	*Decision*		*Means*	*Decision*	
	Constitutional	Yes	No	*Referendum*	Yes	No	*Initiative*	Yes	No
Political	56	27	29	21	3	18	9	3	6
Financial	28	20	8	5	4	1	10	1	9
Social	6	3	3	10	1	9	8	1	7
Industrial	2	1	1	2	1	1	7	0	7

ures dealing with matters of social import were placed on the ballot because of constitutional compulsion. Only six times was this the reason. Ten propositions were on the ballot because of the referenda, and eight because of the initiative. Here also only one measure proposed by the initiative was passed. Nine out of the ten referendum measures, however, were defeated, and there was an even division upon those submitted because of constitutional mandate. Three were passed; three failed to pass. Of the measures dealing with industrial problems, seven were brought forward through the initiative. Not one of them passed. Two measures were placed on the ballots through the referenda. In the case of one the legislature was upheld, in the case of the other, its action was overridden. An identical situation existed in reference to constitutional measures.

THE TASK BEFORE THE VOTER

Something of the task which confronts the voter can be seen from the nature of the measures. He is called upon to decide all matters from the expenditure of $500,000,000 for the development of water power and electricity within the state of California to fixing the debt limit for school district number ten, Cherokee county, South Carolina. The question of public versus parochial schools is submitted to him for decision in Oregon, and in California the wisdom of a school district in more than one county.

But it is not alone the demand upon the versatility of the voter which is subject to criticism, but the demand upon his time as well. The number of proposals placed before the voter in 1922 averaged five. This in itself is a considerable lengthening of the ballot, and makes a demand upon the voter's time it does not always secure. Unfortunately, the average number of proposals upon the ballot was not the maximum. In Oregon, South Dakota and Washington nine measures were up for consideration; in Colorado, ten; in Arizona, eleven, and in South Carolina, thirteen. Missouri and California exceeded even this. In Missouri nineteen propositions were voted upon. Some consideration should be given here, and also in Arizona, to the fact that a certain number of these dealt with one subject, state reorganization. In California no extenuating circumstances can be brought forward to excuse the thirty varied proposals that occupied the ballot. Thirty measures, and one hundred and forty-four pages of explanation, double columned and finely typed, were thrust upon the voters.

To what extent the referenda, to what extent the initiative, and to what extent constitutional mandate are responsible for the long ballot, the table on page 196 indicates.

THE LONG BALLOT

Critics of the system will wave in the air the California bulletin of information, 144 pages, double columned, finely typed, and ask how much time the voter allots to each measure. Skeptics will point to the Missouri bulletin of information, five feet by three, a mass of finely printed statute, and reiterate the question. *A priori* the situation looks pretty bad. It is only fair, however, to compare the still experimental device of popular referendum with the older institution of representative government. Just how much less consideration is given by the voters of California to the thirty measures before them than is given by members of the New York legislature during the closing days of a session, when measures are being acted upon at the rate of one or two per minute, is an interesting question.

Table of Measures Placed on Ballot

		By		
	Constitutional Mandate	*Referendum*	*Initiative*	*Total*
Alabama	4			4
Arizona	8	1	2	11
Arkansas	1		2	3
California	14	5	11	30
Colorado	5		5	10
Florida	4			4
Georgia	4			4
Iowa		1		1
Louisiana	4			4
Maine		1		1
Maryland	5			5
Massachusetts		5		5
Michigan	3			3
Minnesota	2			2
Missouri	3	14	2	19
Montana	2	1	1	4
Nebraska		4		4
Nevada	2	1	1	4
New Jersey		1		1
New York	2			2
North Carolina	1			1
Ohio			3	3
Oklahoma			1	1
Oregon	2		7	9
Pennsylvania	1			1
South Carolina	13			13
South Dakota	4		5	9
Utah	3			3
Virginia		1		1
Washington	3	4	2	9
Wisconsin	3			3
United States	93	39	42	174

It may be suggested that the member of the legislature who votes so hastily follows party decisions and his party accepts the responsibility. Without going into an analysis of the meaning of party responsibility in a legislative body, it is not irrelevant to ask why the rank and file cannot with just as much grace follow the mandate of their leaders at the polls. There seems to be some inconsistency in the statement that although the party assumes responsibility for its decisions upon proposed measures when they come up in a legislative body, yet it may refuse to do so when they are referred to popular decision. Of course the party may assume such an attitude, but in so doing it confesses it is not the responsible agency it has claimed to be.

However, no brief need be held for a system which merely passes on to the ballot box a problem which has been disturbing many of our state legislatures these many years, namely, how to give full consideration to an overwhelming mass of business. Some method of eliminating the trivial and local from the ballot must be found. Just what the voters all over South Carolina know about the debt limit of Christ Church and the changes that should be made therein is difficult to see. Can the voters of New York be blamed for defeating an amendment of the following character, which was submitted with little or no comment? Changes are in italics.

> All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. Laws relating

to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the *clerk of the* house from which it was sent, [or] *who* if the session of the legislature at which such bill was passed has terminated, *shall immediately transmit the same* to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be, in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

How many political scientists who have read the amendment know what the changes are about? From technicalities of this sort and trivialities of the South Carolina variety the voter must be delivered before a rational system can be attained.

THE VOTE CAST

One measure of the value of the system is the interest it arouses. A comparison of the vote upon measures with that upon the leading candidate gives some indication of its success. It varied from state to state and from measure to measure. The average the country over in 1922 was 61 per cent. It was as low as 25 per cent in South Carolina and as high as 100 per cent in Ohio. The average vote on those measures which were referred to the voters because of constitutional mandate was only 55 per cent, on those which were referred because of referendum petition 69 per cent and on those which were placed upon the ballot by popular initiative a similar percentage.

There exists a decided variation of interest between states. In South Carolina the average vote was 28 per cent; both Iowa and Oklahoma, where the question was the soldiers' bonus, the vote was 94 per cent. In Michigan where this particular issue was not involved, over 88 per cent of those who voted for the governor voted on the measure proposed. It is a striking thing that the middle west exhibited at least twenty per cent greater interest in the measures before it than did any other section of the country. This may be explained by the fact that the measures which were before the voters there, with the exception of Missouri, were fairly reasonable in number. Especially was there a contrast in this latter respect with the far west. It does not, however, explain the contrast with the east. Nor can this be entirely accounted for upon the nature of the measures proposed. Measures which on their face, at least, made just as little emotional appeal received a higher vote in the middle west than they did in the east.

The character of the measures, however, did play an important part. There was an exceedingly great variation within certain states in which measures of various types were presented. Especially was this true in California. There the vote ranged from 31 per cent to 82 per cent of the vote cast for governor. This variation especially existed in those states in which the questions of prohibition or the bonus were voted upon. In fact, the slight correlation that existed between the length of the ballot and the size of the vote was destroyed by these two questions.

The writer is perhaps entering dangerous ground when he attempts a comparison between the interest indicated by a vote cast at the polls and the interest that is shown by the percentage of those present upon roll-call in a legislative body. In the first place the percentages are not comparable: the one is measured not against perfection, but merely against the vote cast for the leading candidate; the other is measured against a potentially perfect attendance in the legislature. In the second place, the system of pairing upsets the comparison so far as congress is concerned, although to a very much less degree in state legislatures, to those who accept the doctrine of party responsibility, and most of us in some degree or other, do. In the third place, there is greater likelihood that a member of the legislature, although not in attendance upon a roll-call, will be about his constituents' business, than there is that the average voter will be engaged on public affairs. With all these qualifications, we timidly venture to state the fact that the average vote in congress and in the lower houses of both Pennsylvania and Massachusetts during a period investigated was 66 per cent. The average vote on referendum measures last year, it will be recalled, was 61 per cent; the average vote on initiative measures was 69 per cent.

EVALUATION OF THE VOTER'S WORK

How well has the voter performed his task? To evaluate the decisions is of necessity a subjective matter, one which the student unaware of the details of local situations must approach with trepidation. Some judgment, however, can be rendered.

Most difficult of all to appraise are the measures of governmental reorganization. The defeat in both Arizona and Missouri of extended programs of administrative reorganization is a matter of regret, as is also the extension of the principle of Jacksonian democracy in Louisiana, where the superintendent of schools was made elective. The partial reorganization which the voters approved elsewhere was in all probability desirable. At least the situation is no worse in this particular than if no referendum existed. In furthering the cause of home rule and preventing legislative interference in local affairs the popular referenda did noble service. Whether it did like service in defeating all measures increasing the pay of state officials is a moot question. In general the attitude of the electorate in defeating all measures tending to emasculate either the direct primaries or the initiative and referendum is to be commended.

In matters of taxation no such commendation is possible. With the exception of the repeal of the poll tax in Washington, and the establishment of a mining tax in Minnesota, most of the decisions on taxation measures were reactionary. The income tax was defeated in Colorado, Michigan and Oregon. Classification and the lower taxation of intangibles (which modern economists hold to be the only possible taxation of intangibles) was defeated in California, Colorado and Utah. The defeat of a single tax measure and proposals to tax publicly owned utilities may be thought somewhat to offset these reverses, but not very much. In matters of taxation the voters are evidently considerably behind the legislatures.

Bond issues, both for road building and for bonuses were quite generally approved. Commendation or condemnation will be rendered according to the personal reaction of the reader. The defeat of the $500,000,000 water power proposition in California was approved by the Civic League of San Francisco. Here, too, final judgment will be rendered according to the personal reaction of the reader toward state ownership.

The refusal of the voters generally to increase the debt limits is certainly praiseworthy, but the fact that the Ohio voters refused to insert in the state constitution a tax limit cannot be commended, since this action was only incidental to the defeat of the classification law.

To pass on matters of education reorganization without knowing the local situation is impossible. In the matters of prohibition and anti-vivisection the voters were on the whole more rational than emotional. In fact, in the field of social legislation generally, the popular decisions are to be commended. A similar verdict can be rendered of their actions in the field of industry, with two exceptions. In Missouri the defeat of the principle of workmen's compensation does not warrant praise, nor does the Nebraska anti-picketing bill. Some question also arises as to the wisdom of creating a banking monopoly, or the potentialities of one, in Nebraska. This, however, is subject to dispute.

CONCLUSION

The practice of popular referendum in the United States as evidenced by last year's happenings presents, then, the problem of devising a system whereby technicalities beyond the capacity of the voter can be eliminated, and trivialities can be dispensed with. Three fifths of those sufficiently interested to vote at all voted upon referred measures, and upon the more important ones the vote was very much higher. Although during the past year the action of the voters in the field of taxation was probably unwise, their decisions in the other phases of the field of finance and in matters pertaining to other walks of life were on the whole sound.

TABLE OF VOTES ON INITIAL AND REFERRED MEASURES, 1922

VOTE ON CONSTITUTIONAL AMENDMENTS

STATE AND SUBJECT	YES	NO	VOTE FOR GOVERNOR	PERCENTAGE OF VOTE FOR GOVERNOR
Alabama				
Permitting the legislature to expend $10,000,000 on internal improvements	99,853	21,147	160,634	75
Fixing the taxing powers of certain municipal corporations at one per cent per annum	86,854	19,781		62½
Permitting a road bond issue of $25,000,000 maximum, provided interest does not exceed income of state from vehicle license taxes of preceding year; at least one-fourth million dollars to be expended in each county	111,524	22,918		85
Exempting veterans of World War from poll tax	113,384	17,488		82
Arizona				
To amend the constitution so that all revenues of every kind collected for state purposes shall be paid into state treasury; to increase debt limit of the state after assent by qualified real property owners	12,033	24,422	67,809	54
Act relative to nomination of candidates for office	7,774	26,302		51
Act relative to general elections	7,487	25,602		49
Act relative to reorganization of county offices	7,796	25,322		49
Act relative to reorganization of executive offices	6,988	25,710		47
Act relative to terms of legislative officers	7,292	25,659		49
Act forbidding any member of legislature to be appointed to any civil office of profit, which has been created or the emoluments increased during his term	6,899	25,095		47
Combines of producers permitted	13,848	20,559		49
Arkansas				
Providing that all personal property located within any improvement district be subject to assessment and taxation to pay the cost of improvement	28,813	71,811	127,972	76½
California				
Authorizing the legislature to classify counties for the purpose of regulating title insurance	97,923	219,939	960,631	33
Extending tax exemption to the amount of $1,000 to veterans who have been released from active duty	181,167	209,754		41
No incorporated city or town may be consolidated to or annexed by another city save with its own consent	205,261	115,274		33
Allows creation of boroughs by amendment to existing charters, but provides that no change shall be made thereafter without borough's consent	172,444	123,960		31
Permits increase in judge's pay	161,073	186,229		36
Authorizes taxation upon notes, shares of stock, etc., different from other property and in lieu of general property tax	117,663	199,078		33
Increases taxation of public utilities and allows the legislature to classify the same	101,569	205,404		32
Authorizes state or any political subdivision thereof to provide itself with water, electricity, etc., by utilizing and controlling streams within or without the state	144,114	186,512		33
Authorizes two or more municipalities to engage in supplying their inhabitants with light, water, power, heat, transportation, telephone service, etc., subject to approval of two-thirds of the voters in each city if bonded indebtedness is incurred	159,827	167,969		33
Prohibition of special legislation in regard to irrigation districts, etc.	108,970	212,291		33
Absent voters law for military men	174,026	192,832		38
Allows municipalities to place money outside of state in order to pay interest on their bonds	180,367	132,544		34
Judges pro tem elected by contending parties must also receive the consent of the superior court	168,043	137,997		32
Permits formation of school districts situated in two or more counties	200,511	115,556		33
Colorado				
Relative to the inclusion of University extension work and the University generally in the state system of public education	87,282	58,315	269,210	54
Reorganization of county government	37,945	105,782		53
Changes in term of governor, etc.	40,081	100,367		52
Changes in law relative to aliens	43,094	95,219		51
Florida				
Educational amendment	31,952	9,804	(Sen.) 51,964	80
Reorganization of judiciary	21,631	11,222		65
Relative to time of payment of salaries	26,731	7,766		67
Relative to number of members of senate and house of representatives	14,369	19,771		66

VOTE ON CONSTITUTIONAL AMENDMENTS—(*Continued*)

STATE AND SUBJECT	YES	NO	VOTE FOR GOVERNOR	PERCENTAGE OF VOTE FOR GOVERNOR
Georgia				
Creating new senatorial district	24,964	27,080	75,019	68
Fixing salary of judge of superior court of Augusta circuit	28,737	23,028		63
Creating Peach county	29,842	36,566		82
Additional compensation to judges of Muscogee circuit	24,868	26,575		62
Louisiana				
The legislature may postpone the collection of taxes in case of public calamity	20,180	8,355		
Giving board of commissioners of the Port of New Orleans power to lease certain lands	21,497	7,251		
Making state superintendent of schools elective	17,193	14,822		
Conferring additional powers relative to levees	21,230	7,711		
Maryland				
Increase in number of legislative districts in Baltimore	106,577	80,413	246,907	76
Increasing the representation of Baltimore	100,004	77,761		72
Fixing term of Comptroller and Treasurer	97,308	75,350		70
Quadrennial elections	108,458	72,562		73
Equal rights for women	98,901	77,374		71
Michigan				
Excess condemnation allowed to cities upon authorization of legislature	204,564	276,302	583,660	83
Income tax graduated to 4 per cent allowed	180,176	320,369		86
Authorizing legislature to create port authority	321,543	230,060		94½
Minnesota				
State credit to agriculture	534,310	73,917	685,095	88
Tax on mining and apportionment of proceeds	474,697	91,011		82
Missouri				
Increasing pay of members of general assembly	235,045	454,020	968,273	71
Striking out the word "male" in the voting qualification	383,499	299,404		70½
Proposing that vehicle tax be used for road maintenance	484,884	233,379		74
Montana				
Making state board of equalization supervisory over county boards of equalization	65,279	52,536	158,737	74
Permitting legislature to pass special legislation for cities	67,249	50,178		74
Nevada				
Preventing the legislature passing certain types of special legislation	11,157	5,392	28,652	57
Placing appointment to the succession of any member of the legislature in case of death, etc., in hands of county committee, who must pick man of the same party	12,756	4,120	810,518	59½
New York				
Technical bill regarding the return of special city bills to legislature	819,628	554,654	2,531,391	54
Increasing salaries in court of appeals	572,502	891,980		61
North Carolina				
Increasing pay for legislators, etc.	72,297	138,765	366,795	58
Oregon				
Permitting Linn county tax levy to pay outstanding warrants	(Final Returns Unavailable)		232,547	
Permitting Linn and Benton counties to pay outstanding warrants				
Pennsylvania				
Home Rule Amendment	377,298	244,808	1,464,102	42½
South Carolina				
Enabling town of Greer to assess abutting property for permanent improvements	7,155	2,149	34,065	27
Empowering general assembly to regulate printing for the state	7,382	2,146		27
Special provision relative to bonded debt of Due West school district	7,085	2,115		27
Exemption of Beaufort from Sec. 5, Art. 10, of constitution	6,862	2,169		27
Proviso as to county of Beaufort in relation to bonded debt	6,774	2,120		27
Empowering county authorities to assess abutting property for permanent improvement of highways	6,793	2,257		27

VOTE ON CONSTITUTIONAL AMENDMENTS—(*Continued*)

STATE AND SUBJECT	YES	NO	VOTE FOR GOVERNOR	PERCENTAGE OF VOTE FOR GOVERNOR
South Carolina—Continued				
Amendment relative to Christ Church debt limit	6,608	2,137		25½
Amendment relative to School District 10, Cherokee county debt	6,706	2,272		27
Amendment relative to Florence school district	6,632	2,078		25
Amendment relative to Georgetown debt	6,619	2,108		25½
Amendment relative to formation of certain school districts in Picken county	6,713	2,167		25½
Exemption of Spartanburg from Sec. 7, Art. 8 of constitution	6,647	2,252		26
Exemption of Union from Sec. 1, Art. 8 of constitution	6,589	2,178		25
South Dakota				
Permitting legislature by two-thirds vote of each house to fix salaries	38,171	107,846	175,840	83
Increasing petition signatures needed for initiative	48,662	95,323		82
Allowing legislature to change county lines without reference to inhabitants	29,801	111,833		81
Permitting special assessments for the erection of levees, etc.	33,537	103,837		78
Utah				
Increasing debt limit of state	3,837	68,824	120,812	59
Allowing classification of property for taxing purposes	16,378	57,380		61
Increasing compensation of members of legislature	5,303	65,346		59
Washington				
Trial of person committing crime on railway to be in county, etc., wherein it took place	122,911	81,432	292,083	67½
Payments from state appropriations must be made within one month after end of next ensuing calendar year	94,708	86,734		62½
Compensation of legislators increased	52,606	161,526		68
Wisconsin				
Allowing sheriffs to succeed themselves	161,832	207,585	481,442	75
Making verdicts in civil cases valid by five-sixths vote	171,433	156,759		68
Increasing debt limit of cities to allow them to acquire and operate public utilities	105,346	219,693		68

VOTES ON MEASURES REFERRED TO THE PEOPLE

STATE AND SUBJECT	YES	NO	VOTE FOR GOVERNOR	PERCENTAGE OF VOTE FOR GOVERNOR
Arizona				
Act relating to the preservation of the Fish and Game Laws, the repeal of a law passed the preceding year. (Ref. ordered by Leg.)	(Final returns Unavailable)		67,809	
California				
Prohibition enforcement act	407,952	378,331	960,631	82
Veteran welfare bond issue, $10,000,000	371,058	178,984		57
Land settlement bond issue, $3,000,000	149,083	164,548		34
State housing act	62,876	332,806		41
Prevents unlicensed persons from giving legal advice of any character	165,616	407,291		60
Colorado				
Constitutional Convention proposed	53,015	93,081	269,210	54
Iowa				
Bonus to be paid by bond issue of 22 million dollars	383,335	195,898	617,586	94
Maine				
Providing for full time state highway commission	56,822	60,258	178,969	65
Massachusetts				
Roll calls as legislature desired	333,549	252,111	889,853	66
Provision that voluntary associations may be sued, but individual property exempted	300,260	301,205		66½
Motion picture censorship proposed	208,252	553,173		85
Prohibition enforcement act	323,964	427,840		85
District attorney required to be a bar member	396,623	282,011		76
Missouri				
Act creating state department of budget	267,241	375,676	968,273	66
Conferring powers of state inspector of oils on the supervisor of public welfare	274,530	383,379		68
Conferring powers of state supervisor of beverages on supervisor of public welfare	276,641	365,406		66
Act creating office of supervisor of public welfare and vesting in said office the power of food and drug inspector	262,816	371,812		66
Creating department of agriculture	252,060	378,181		66
Abolishing 38 judicial circuits and the Strugeon court of common pleas and creating 34 new circuits	247,484	394,637		66½
Providing workmen's compensation and creating a commission to administer it	288,384	356,001		67
Creating county school districts	291,157	381,320		67
Abolishing justice of the peace in townships containing city of from 100,000 to 300,000, transferring their business elsewhere	334,288	386,680		74½
Act reorganizing justice of peace courts	232,704	386,663		64
Preventing county courts from appointing additional justices of the peace in townships having not less than 300,000 nor more than 600,000	230,917	386,315		64
Reorganizing office of constable	231,601	382,915		64
Dividing state into 16 congressional districts	327,214	316,522		66½
Creating department of labor	257,987	384,708		66
Montana				
Authorizing $4,500,000 bonus bond issue	67,473	62,100	158,737	81
Nebraska				
Prohibiting co-operative banking unless founders can prove to the banking board that the bank is necessary	172,675	149,240	395,240	82
Anti-picketing bill	186,101	140,419		82½
Partially repealing direct primary	95,494	208,261		77
Requiring registration and party affiliation of all voters	106,314	195,066		77
Nevada				
Legislative substitute for initiative—divorce proposal	7,606	10,965	28,652	61
New Jersey				
$40,000,000 bond issue for roads	20,000	majority	815,578	
Virginia				
Question of calling constitutional convention	30,208	81,992	159,296	68
Washington				
Providing for certificates of necessity from the director of public works in cases where competition seeks to enter fields already occupied	64,733	154,907	292,083	86
Parents may forbid examination of children except where contagious disease is indicated	96,845	156,004		75
Literacy test and statement of party affiliation	60,580	163,946		77
Pre-primary convention, etc.	57,287	140,166		67

VOTES ON BILLS INITIATED BY POPULAR PETITION

STATE AND SUBJECT	YES	NO	VOTE FOR GOVERNOR	PERCENTAGE OF VOTE FOR GOVERNOR
Arizona				
Permitting a bond issue for building a road	22,130	24,688	67,809	68
Amending the article of constitution pertaining to education				
Arkansas				
Reserving to the people the right of initiative and referendum, independent of the general assembly and the right to approve or reject at the polls any entire act or any item of an appropriation bill	38,690	61,112	127,972	75
Relative to reorganizing county school systems	14,383	88,703		81
California				
Permits state aid to veterans of the World War in the acquiring of farms or homes	434,043	180,639	960,631	65
Publicly owned utilities to be assessed and taxed just like privately owned	130,906	242,525		39
Publicly owned utilities to be regulated by the State Railroad commission just like any other	169,846	293,643		48
Budget procedure outlined; itemized expenditures and revenues required	218,484	103,082		33
Creates chiropractic commission	372,442	257,248		65
Gives governor power to establish a board; authorizes $500,000,000 bond issue to develop water and electricity of the state	210,906	465,163		66
Creates osteopathic board	330,864	247,972		61
Raises number of signatures necessary for the initiation of tax measures	203,815	255,534		48
Prohibits vivisection	108,051	292,944		42
Single tax	105,362	373,751		50
Gives R. R. commission power to grant franchises and extend same in cities and outlying districts	80,433	253,724		34
Colorado				
Authorized $6,000,000 bond issue for roads	131,271	66,536	269,210	73
Utilities commission created regulating all except municipally owned utilities	75,061	107,655		67
Act to reapportion representation	61,502	101,537		60
Exempting intangibles from general property tax—levying graduated income tax	42,466	120,355		60
Anti-vivisection	35,476	178,120		80
Missouri				
Abolishing common law rules of fellow workmen, contributory negligence, and placing responsibility on employer	141,149	561,832	968,273	72½
Reapportionment of senatorial districts	227,000	379,615		62½
Montana				
Permitting the use of pari-mutuel machines at state fairs	60,057	66,363	158,737	80
Nevada				
A period of 6 months provided between interlocutory decree and final judgment in divorce cases	4,876	12,900	28,652	61
Ohio				
Wines and beer amendment	715,872	904,219	1,625,248	100
Amendment writing debt limitation provisions into the constitution	496,500	686,337		73
Tax limitation amendment except upon vote of two-thirds majority of people concerned	473,129	714,929		73
Oklahoma				
Soldier bonus bill	255,887	234,909	520,562	94
Oregon				
Single tax amendment			232,547	
Salmon fishing and propagation amendment	(Final Returns Unavailable)			
Exposition tax amendment				
Income tax—to support one-half state expenditures				
Six per cent interest rate established				
Compulsory education bill—Public Schools				
Income tax				
South Dakota				
Authorizing the state to erect and operate hydroelectric plant	54,907	105,620	175,840	91
Abolition of state constabulary	63,583	93,671		90
Introducing theatricals on Sunday	56,606	98,925		89
Authorizing the state to engage in banking	32,881	121,566		89
Changing the location of the University of South Dakota to Sioux Falls	12,019	137,675		85
Washington				
Repealing poll tax	193,158	63,448	292,083	85
Providing for current state school fund to produce $30 for each child to be distributed on basis of attendance and teachers employed, maximum levy 1.7 per cent assessed valuation	99,090	150,030		75

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Limiting the Automobile in Down-town Sections.—The need for restricting the use and particularly the parking of pleasure automobiles on those streets within the business sections of cities is being realized more and more. In many cities conditions resulting from this practice constitute serious fire hazards in addition to increasing traffic congestion.

That these conditions materially restrict the operation of street cars and hence work to the disadvantage of the majority of the population dependent upon such facilities has been strikingly demonstrated in the results of a vehicular traffic study made by the traffic department of the United Railways and Electric Company of Baltimore. Results of this study, published in the *Electric Railway Journal*, show that during the evening rush hour, on the down-town streets upon which both street cars and other vehicles operate, the automobiles represented 73 per cent of the total movements and the street cars only 27 per cent, whereas the street cars accommodated 88.8 per cent of the total passengers and the automobiles only 11.2 per cent. This corresponds on the basis of traffic movement to an efficiency more than twenty times as great for the electric car as for the automobile.

The evil of the automobile as a wasteful occupier of space is not limited to moving cars. The parked car constitutes a still more serious obstacle to traffic movement. Parking within street limits represents practically free storage of automobiles and grants a special privilege in the matter of the use of public property to a limited class without exacting suitable compensation. Unquestionably the greatest evil in the situation lies from the parking of automobiles by business men who drive their own cars to their offices or stores and leave them parked all day.

In Baltimore the street railway company has resorted to rerouting its lines in an effort to distribute car service better and relieve congestion. If results are to be accomplished, however, it will be necessary to exercise far more drastic regulation over the use of automobiles in the down-town section than exists at present in that city. New York city has been considering restricting pleasure automobiles to above Fourteenth Street in Manhattan.

◆

The Regulation of Gasoline Dispensing Stations.—Providing for the location of gasoline dispensing stations while at the same time safeguarding the community from the hazard incidental to the maintenance of these facilities and preventing undue congestion from automobiles parked for the purpose of purchasing this commodity, constitute one of the most vexatious problems confronting city governments in the matter of regulating the use of the public streets. An inquiry into the practice followed by different communities in handling this problem conducted by the commission of publicity and efficiency of Toledo, Ohio, disclosed a wide variation in these matters. The main consideration has been whether or not to permit the location of gasoline pumps at the curb line. Curb stations have been attacked through two channels. Through the zoning ordinances with the aim of protecting property values and on account of their tendency to increase traffic congestion. In most cities having zoning ordinances, the disposition has been to exclude curb stations from residential districts while permitting a limited number in the business districts.

One point that does not seem to have received the recognition that it deserves where curb stations are permitted is the hazard from storing gasoline either beneath the sidewalk or directly adjacent to the public highway. This condition and the obstruction to traffic that results from automobiles parked adjacent to these facilities are strong arguments against permitting their continuance. The best practices all tend toward requiring gasoline filling stations to be located entirely on private property. Naturally the tremendous public need for adequate facilities of this character demands that suitable provision be made to meet this need and the result has been the drive-in station. In some cities even the latter are prohibited in residential districts, their establishment being permitted only in the minor commerical zone at important intersections.

There is a commendable trend towards requiring the approval of the design of building and layout of gasoline stations by planning commissions or other divisions of the city government before permitting their construction in order to insure suitable architectural treatment.

While progress has been made along the line of regulating the location of gas filling stations, in comparatively few cases is the fee charged for permit to operate these facilities adequate. Fees for curb stations should be on an annual basis and predicated on the value of the public space used. Moreover, it is desirable that such fee should be high enough to discourage the use of such stations. The same principle should apply in the case of storage tanks for gasoline with the additional qualification that the amount charged should be ample to cover the cost of effective inspection and regulation.

✠

Regulation of Motor Vehicle Operation in Akron, Ohio.—Regulations designed to effect the elimination of fly-by-night motor bus and taxicab operators, together with furnishing regular busmen an improved field for operation, while also protecting the public, constitute the main features of an ordinance recently enacted by the city council of Akron, Ohio. The dominating feature of the ordinance relates to the classification of motor vehicles for insurance purposes and the methods permitted for securing indemnity insurance.

According to a recent issue of *Bus Transportation*, these provisions are substantially as follows:

"Class A vehicles include those carrying from one to ten passengers. The ordinance provides that the bus owner shall be liable up to $5,000 damages for any one person injured in an accident for which the driver is responsible, while a total up to $11,000 shall be paid under the same conditions if two or more persons are injured.

"Class B vehicles, carrying from eleven to twenty passengers, shall carry insurance up to $15,000, $5,000 of which is to be paid to any one person injured and a maximum total of $15,000 to all persons injured in case of liability.

"Class C vehicles shall carry a maximum insurance of $20,000 with the same provisions in case of injury as Class B. This class includes all vehicles carrying more than twenty passengers.

"The ordinance provides four ways by which bus owners may secure insurance. The first method is through an indemnity bond either by individuals or by an indemnity company. The second is through liability insurance. The third through the presentation of evidence that the owner is the holder of property the value of which is at least 150 per cent of the maximum insurance required on his type of vehicle, and the fourth, which is an innovation, is through participation in an indemnity fund provided by bus operators. This fourth method is made possible through the payment of $35 a quarter for all vehicles in Class A; $50 a quarter for vehicles in Class B and $65 a quarter for those in Class C.

"These funds are to be placed in the hands of a trustee, and will be paid out in case of accident only after litigation or through private settlement. The trustee is to be appointed by the bus and jitney men's organization which already exists but which will probably be reorganized to function in accordance with the new legislation.

"According to the new regulation the director of safety is privileged to route and schedule buses in accordance with the demands of traffic.

"The ordinance was written in co-operation with the bus and jitney men's association."

While the arrangement outlined above would appear to be somewhat complicated to enforce, it will be interesting to note what effect this ordinance has in reducing accidents due to bus operation in the city of Akron. This will be the real test of its value in helping to solve the traffic problem of that community.

✠

Inadequate Fire Protection Results in Loss of Life at Hospital for Insane.—A fire in the Manhattan State Hospital for the insane, on Wards Island, New York city, which resulted in the loss of life of twenty-two patients and three attendents, occurred in the early morning of February 20, 1923. The fire originated in the hospital wing of a building erected over fifty years ago of non-fire proof construction. After the fire was discovered there was prompt response on the part of the hospital's forces and equipment. However, these facilities proved unable to cope with the situation, and delay in securing help from the New York city fire department, unavoidable on account of the isolated location of the hospital, resulted in the appalling loss of life. Nothing but praise is due the hospital officials and employees in their efforts to meet the emergency. They, together with the unfortunate inmates of the institution, were the victims of unsound policies in providing for just such a need as arose in this particular case.

A sinister phase of the situation lies in the fact that the recent fire was the sixth to occur at the island during the past 26 years. Following each of these occurrences the press has emphasized the need for additional fire protection facilities at the institution, but apparently neither the public nor those state officials responsible for making suitable provision in these matters has adequately appreciated the tremendous seriousness of the situation. Immediately after the fire, following the customary practice of "locking the door after the horse is stolen," numerous investigations have been started to determine the cause of the disaster. One encouraging feature of the latter is that provision is also made for reporting on conditions in other state and city institutions that constitute a hazard to their inmates. If the results of such study awaken the public to an appreciation of its responsibility for providing adequate protection for the wards of society and causes it to make articulate demands for such protection much will be accomplished.

With the view of meeting such need as may be demonstrated for additional building construction at state institutions, Governor Smith has proposed a state bond issue of fifty million dollars to provide funds for these purposes. As has been pointed out by the New York State Association, there are sound objections to authorizing any such extensive bond issue for new construction at state institutions. Doubtless there is immediate need for increasing the capacity and usefulness of certain state institutions by providing new construction. Such provision should be made but should not entail excessively heavy expenditures. Of equal if not greater importance, however, is the need for providing sufficient funds for building maintenance and operation and the carrying out of such preventive measures as will reduce to a minimum hazards of all kinds to institutional inmates and others. It is in respect to such matters that there has been serious negligence. There is a timely warning in the tragedy at Wards Island that deserves thoughtful consideration by public officials throughout the United States.

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Questionable Economies in Municipal Government.—Economical administration of municipal government is at all times greatly to be desired, and frequently in order to accomplish this it is necessary for the administration of a city to make material reductions in personnel and other changes. At the same time extreme care is necessary in the determination of what constitute sound economies in such matters lest the policy followed prove to be one of "saving at the spigot and wasting at the bunghole." Recent disclosures with respect to the situation in Cleveland following an energetic campaign for economy conducted by Mayor Kohler of that city lead to the conviction that certain of the policies followed and action taken by the mayor in these matters are of doubtful wisdom. The courageous attitude of Mayor Kohler in undertaking to administer the affairs of the city so as to equalize expenditures with income, a condition that has not obtained in Cleveland for several years, deserves and has won praise. In fact, particular credit is due the mayor on account of the way that Cleveland, together with other Ohio cities, is handicapped by the restrictive financial laws of that state. However, the methods employed in effecting economies have not alone displayed a lack of appreciation of technical needs and functions in city administration, but also have included arbitrary interference with the operation of certain technical departments that has resulted in antagonizing competent department heads and others responsible for carrying on the work of those departments. This state of affairs brought about the recent resignation of both the director of public utilities, Arthur R. Roberts, a prominent consulting engineer of Cleveland, and his first assistant, George W. Kneisly. Arbitrary demands on the part of the mayor for the discontinuance of the employment of a consulting engineer on water purification, and that contracts for auxiliary works at the Baldwin reservoir and filtration plant be awarded to the general contractor for that plant, are said to be among the causes for the break between the mayor and those officials. Other action on the mayor's part that has aroused professional criticism included the dismemberment of the technical staff of the sewage disposal division and material reductions in the operating forces at the sewage and water purification plants.

It is not within the province of The Review to pass judgment on the acts of Mayor Kohler in these matters. It is desired, however, to call attention to certain elements in the present situation in Cleveland which are of interest to the taxpayers of that community. The city of Cleveland has recently completed the construction of two sewage disposal plants and is considering further extension of these facilities.

The work already done represents an expenditure of several millions of dollars. Also the city is engaged in carrying out a comprehensive plan for furnishing additional water supply which will require several years to complete and involve heavy expenditures. Experience has thoroughly demonstrated the need for a trained and competent force in the operation of sewage disposal plants if these facilities are to furnish the service for which they are designed. Common sense would demand that careful judgment be exercised in the determination of the force required for the efficient operation of such plants merely to ensure a satisfactory return on the city's investment. There are indications that under present conditions requirements in this matter are not met. The water supply project is under the jurisdiction of the director of public utilities of Cleveland.

It is fundamental that the successful prosecution of any extensive public construction such as the contemplated extension of Cleveland's water supply facilities depends to a considerable extent on continuity of policy and administrative control. An excellent example of the soundness of this doctrine is the accomplishment of the New York board of water supply in developing the Catskill supply for that city. A few years ago the city of Cleveland paid a heavy penalty for a mismanaged piece of public works construction in the failure of the clear water basin for the city's new West Side filtration plant. Responsibility for this failure was placed by the United States district court squarely on the city. There is no necessity for commenting further on the various elements entering into that decision. However, it may be safely stated that any policy on the part of the city government that tends to alienate reputable and competent professional public servants is liable to cause conditions that make for laxity in the administration of public works for which the city may pay dearly in the end. There is food for thought for the taxpayers of the city of Cleveland in the possibility that the methods employed for the sole purpose of reducing city expenditures may jeopardize seriously the larger interests of the community.

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The Beccari Zymothermic Cell Method of Garbage Disposal.—A novel method of garbage treatment which possesses features that should command the serious attention of municipal officials has been installed recently in a plant at Paterson, New Jersey. This method, developed by an Italian scientist, Dr. Giuseppe Beccari, employs a device known as the Beccari Zymotheric Cell. The process depends for its action on slow fermentation, or the oxidizing and nitrifying effect of the air on the organic matter of which the garbage is composed. No fuel is required in the process, the garbage receives no other treatment, the product is a dry odorless residue of high nitrogen content, valuable as a fertilizer.

The disposal plant consists of a series of cells or chambers arranged in such a manner as to permit the introduction of the charge through a trap door or scuttle in the roof, while the resultant fertilizer is removed through a door at the floor level. In size the cells are commonly built about nine feet wide, ten feet long and ten feet in depth. Ordinarily they are built of concrete, brick or other masonry. An essential feature of the process is the introduction of air into the mass of garbage and the draining off of water. Air is admitted at the bottom of the cell through openings in the walls below the door, and by means of a system of circulating flues permeates the charge, promotes the growth of nitrifying bacteria, which produces a high nitrogen content in the residue. The floor is in the form of a grating, providing suitable drainage for the liquids contained in the garbage and at the same time permitting the circulation of air through the mass.

In order to permit draining a sump is constructed which may be connected with a sewer if desired. The accumulated liquids in the sump may be pumped up over the contents of the cells if they become too dry. This application acts as a primer to the garbage and tends to accelerate the process of fermentation. After the air passes through the mass the gases which it contains are conducted to ventilators.

These ventilators consist substantially of a series of shelves or trays so arranged as to cause the gases and air passing through to pass around and over each tray in succession. The trays are filled with argillaceous and calcareous earth. The passage of the gases over these materials results in deodorizing them and also produces colonies of nitrifying bacteria which add greatly to the fertilizing value of the product.

Ordinarily, in order to save in construction and at the same time conserve space, cells are constructed in batteries of four. By this arrangement the back and middle walls serve for two cells, while each ventilator and sump serves four cells. The chemical and bacterial action taking place in the cell is complex. It is interesting to note, however, that it results in the destruction of the pathogenic bacilli of contageous and infectious diseases and also the numerous animal parasites which infect men and domestic animals.

After a cell is charged to capacity it is not opened until the cycle of operation has terminated, which ordinarily is about forty-five days. The freedom from nuisance in the operation of these plants seems to depend upon the very practical point that it is possible to dispose of each load of refuse promptly on its arrival at the plant, thereby avoiding the possibility of creating the nuisance from flies and odors which arises when garbage stands in large or small quantities awaiting disposal. No dust is created by the process and the product of the cell in the form of fertilizer or humus is free from odors and can be stored without hazard, if necessary, in large quantities while awaiting shipment.

It is obvious that the operating cost of a plant of this kind is very low. There are no moving parts requiring attention and practically no depreciation in the structure. A particular advantage would seem to lie in its flexibility of application. The same type of plant would be used for a community of 5,000 as would be required for one of 500,000. The only question would be the number of units necessary to take care of the amount of community waste. This would tend to decrease the initial cost of construction, as additional units could be built to meet the growing needs of the community. Also, a process of this kind offers the possibility of constructing small plants at a number of locations throughout a city, thereby cutting down the haul necessary to deliver garbage at the point of final disposal. It is stated that plants have been constructed in six Italian cities ranging in population from 200,000 up to 700,000 and in a large number of smaller communities having populations from 5,000 to 10,000.

The fact that this process produces a fertilizer of considerable value is deserving of some consideration. However, the intelligent policy of garbage disposal anywhere has been epitomized by a New York city commission in a recent report as follows: "The best plan of garbage disposal is seen to be one free from nuisance. The public health is greater than any other consideration; making a profit should be of secondary consideration." The Beccari method would seem to embody enough of the essential requirements of a garbage disposal system to command the serious consideration of those communities at present receiving unduly expensive or unsatisfactory service in this matter or others contemplating the installation of waste disposal facilities.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Ohio Legislature Considers County Home Rule.—Although it is unlikely to pass the legislature, a proposal to amend the constitution to grant to counties the power to draft their own charters has aroused considerable excitement in Ohio. The resolution before the legislature also permits city-county consolidation in counties of 100,000 population and larger. This feature is particularly disliked by those Cleveland suburbs which are geographically and economically a part of Cleveland but which have hotly resisted every tendency towards annexation.

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Report of City Planning Commission of Atlanta, Georgia, for 1922.—The annual report of the city planning commission of Atlanta, for 1922 is a document of 28 pages, containing a history of city planning legislation in Atlanta; a statement of planning achievement; a program for the future by Robert Whitten, their consultant; and an appendix giving the text of the planning and zoning laws, the laws for street widening and extension, the assessment of local benefits, and the approval of sub-division plats, the regulations for platting and the zoning ordinance. The report is one which the city planner will gratefully welcome.

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Recall of the Manager in Long Beach, California.—After eighteen months of very efficient service the manager of Long Beach was recalled at a recent special election at which less than one-half of the registered voters of the city participated.

Four days after the selection of Mr. Hewes a group of men called at his office and requested him to remove the chief of police. The manager refused to act until he had studied the situation and informed himself on the qualifications of the incumbent. A club was formed by several disgruntled citizens with the avowed purpose of removing the manager. This organization had the backing of several of the elected officials of the city who had and still oppose this form of municipal organization. Unfortunately for the city the freeholders who wrote the charter had no professional advice in drafting the instrument and the result is a poor compromise of the features which each freeholder and the existing officeholders desired.

It is acknowledged that the recalled manager was not a politician and had no use for political methods in his work or appointments. He was instrumental in having passed a very well-drafted zoning ordinance, an equalization of assessments, and other advance legislation. All of these measures had their opponents and with a crystallized opposition working against the usual apathy and trust in a hard-working official the result was to be expected.

A movement is now starting to amend the charter by removing the provision for the recall on the manager. The manager form of charter is well established in Long Beach, and with several changes made in the appointment instead of popular election of administrative officials would probably stand the test of time and experience.

E. A. C.

⁂

Nassau County Charter Completed.—The proposed charter for Nassau county, the first county charter proposed in New York state, was introduced in the legislature, on March 5. If approved at this session the charter will be submitted to the people of the county next fall, and if adopted will go into effect in 1925.

The chief difficulty which the charter faces is that of providing a central government strong enough to meet the exacting demands of a growing suburban and rural population, while at the same time preserving all essential village and city governments within the county in their integrity and preserving those features of township government which are not as yet obsolete. Incidentally the charter will provide a substantial degree of home rule to the county. The new form of government provides for a county president elected at large, and for the continuance of the present small board of supervisors, elected by township as a legislative body, and for a board of estimate. The county president is to appoint the heads of all administrative agencies subject to the approval of the board of supervisors. Centralized health, welfare, taxation, assessment, planning, public works, police, purchasing and civil service control are provided. An executive budget system is set up. The justices of the peace are to be supplanted by full-time, inferior court judges. The townships and a number of their existing functions are retained. The charter includes a planning and zoning chapter which is probably the first of its kind dealing with suburban and rural conditions; and a chapter providing for a new unit of government for local utility purposes to be known as the "village district." The "village district" does away with present overlapping, special tax districts, and aims to eliminate the necessity for creating new villages.

A more extended description of this charter will appear in the Review for May.

Robert Moses.

*

Pennsylvania To Have a Single Home Rule Act.—The Craig Home Rule Act, drafted by a committee of city solicitors, has been reported out of the House committee on municipal corporations as committed; and prospects for its enactment are now distinctly favorable. An accurate test of sentiment for the act was afforded by the committee's public hearing on March 6, at which no opposition developed. On the same date the Pennsylvania State Chamber of Commerce, which supported the home rule amendment, submitted the provisions of the Craig Act to a referendum vote of its membership.

This enabling act applies to all classes of cities and its provisions are permissive in character. A city may keep its present legislative charter or draft its own charter through the medium of an elected charter commission of fifteen members.

Upon vote of two-thirds of its membership, council may, or on petition signed by at least 20 per cent of the total number of currently qualified electors in the city, council shall provide by ordinance for submission to the electors of the question whether a commission shall be chosen to frame a charter. Candidates for the commission shall be voted upon at the same election.

No question for the election of a commission to frame a new charter or amendments to an existing charter shall be submitted oftener than once in four years. Amendments prepared by council or by petition of the electors may be proposed at any general or municipal election.

Each city taking advantage of this act shall have and may exercise all powers of local self-government. The home rule charter may provide for any system of municipal government not inconsistent with the constitution of the United States or of the commonwealth.

The powers of local self-government granted in this act shall be limited by (1) laws applicable to a class or classes of cities on the subjects of rates and sources of taxation, assessment of property and persons for taxation, condemnation of property for public purposes, assessment of damages and benefits therefor, incurring or increasing of indebtedness, annexation or detachment of territory, personal registration of electors and regulation of public schools; (2) laws applicable in every part of the commonwealth; and (3) laws applicable to all the cities of the commonwealth.

Leonard P. Fox.

*

The Federal Reclassification Bill Passes.—The so-called Sterling-Lehlbach bill reclassifying the federal employees was approved by congress in the last days of the session and signed by the president. The measure in its final form was in the nature of a compromise which aimed to reconcile all of the different proposals and points of view as to the preparation and administration of standard salaries and grades. The Federation of Federal Employees was largely responsible for the passage of the bill.

The passage of this bill represents the culmination of a number of years' effort to bring about an improvement in personnel conditions in the federal service. While the resulting law will be disappointing to most students of this problem, all sensible people will realize that it at least establishes the vital principles of an equitable wage policy administered by executive authority and that the new salaries and grades will go a long way toward improving the morale of the present government employees and attracting competent new people to the government service.

The bureau of efficiency has, for some time, insisted upon a classification, administered by the bureau and based merely on overlapping salary grades. The civil service commission desired a functional classification based upon duties, under civil service supervision. Other groups interested in the federal budget system have urged that salary and wage control is an important part of budget control and that the bureau of the budget should administer the new classification and should recommend changes based upon its studies of the organizations of departments. The bureau of efficiency was supported by the chairman of the senate finance committee. The civil service commission had its supporters among reformers and among federal employees. The bureau of the budget, while not itself active, had many proponents. The final bill was drafted so that it provides a classification based upon duties, the overlapping salary ranges proposed by the bureau of efficiency, and administration of the new system by a board of three, including representatives of the bureau of the budget, bureau of efficiency and the civil service commission.

Automatically the entire budget for personal service now becomes a lump sum budget to be administered so far as employees of the District of Columbia are concerned, by the new reclassification commission. This commission is also to prepare in the course of the coming year, a classification on similar lines applicable to federal employees outside of the District of Columbia. The reclassification bill and its administration will be discussed in the next REVIEW.

ROBERT MOSES.

⁂

To Throw Light on Loose Bond Practices.—Dangerous and unbusinesslike practices by cities and other taxing districts have led municipal bondholders in several states to join in naming a committee to study a plan for correcting nationwide abuses in handling municipal bonds that now total about 11 billion dollars. The committee consists of Howard F. Beebe, Harris, Forbes & Company, New York, member board of governors and ex-president and ex-chairman of the municipal securities committee of the Investment Bankers Association of America; Harry M. Cutler, vice-president of the National Life Insurance Company, Montpelier, Vt.; V. A. Lersner, vice-president of the Bowery Savings Bank, and president of the Savings Bank Association of the State of New York; Reginald H. Fullerton, Bankers Trust Company; Mark T. McKee, Detroit, representing fraternal associations of North America; and Charles F. Cushman, of the New York Life Insurance Company.

The report which prompted this committee of bondholders was prepared by the committee on non-partisan facts and is entitled Typical Abuses in Handling Municipal Bonds. It gives actual abuses found by Gaylord C. Cummin of the Institute for Public Service when helping cities, counties and school districts correct defects in governmental methods. Twenty-nine abuses are listed.

The following specific cases are among those mentioned:

1. Contrary to state law, bonds totalling $275,000 were authorized as general lighting bonds although intended and actually used for paying current lighting bills.

2. Contrary to state law, bonds in excess of the debt limit were issued. The water works debt was subtracted on the claim that it was self-supporting, although it was actually not self-supporting,—a danger that is growing by leaps and bounds because of the increase in municipal ownership.

3. Assessed valuations were jumped 25 per cent above true values for the purpose of increasing the bondable debt limit.

4. Forty-year bonds were issued for paved streets and country roads which will wear out in ten or twenty years; 20 per cent of outstanding bonds represent no present values, while 34 per cent more are refunding issues.

5. Over one-half the total revenues from taxes were required to pay debt with the result that police, fire, schools and other services were seriously crippled; this means endangering the debt service because communities will not keep on paying distant debtors at grave risk to their own life and health.

6. Such heavy debt payments falling due in one year that payment at maturity is politically impossible.

7. In not one of thirty communities studied were the sinking funds correct; they were usually very much undersize and in one or two instances very much overpaid.

8. Contrary to ordinances, several cities have failed to establish the sinking fund which they promised when they issued their bonds.

9. A county offering bonds advertised a net debt of only 4 per cent of assessed valuation; the fact was omitted that 90 per cent of this valuation was all in one city which also had school and city debts equal to 10 per cent.

10. Just plain bad business methods widely endanger bonds; cities are careless in collecting delinquent taxes; one city's arrears equal 80 per cent of its annual levy; one city's agent paid over 200 bond coupons that did not belong to his city at all; one unusually intelligent board thought it had a deficit of $300,000 when it really had a surplus of $354,000.

Mr. H. A. Metz is chairman of the committee on non-partisan facts of the Institute of Public Service and Dr. William H. Allen is secretary.

Bureau of Public Welfare Proposed for St. Louis County, Minnesota.—A Report on the Organization of the Public Welfare Agencies of St. Louis County, Minnesota, prepared by Robert M. Goodrich, executive secretary of the Taxpayers' League of that county, at the suggestion of State Senator Fred E. Bassette, contains much of interest for students of county government. The author reports that there are 16 public agencies for social welfare in St. Louis county, supported in whole or in part by county taxes, and spending about $650,000 annually, including a poor commission, probation officer, child welfare board, supervisory agency for the blind, county nurses, county health officer, a work farm, a sanitorium, and others. Nine of these agencies are controlled by boards, aggregating 38 members. As the result of study of the administration of these various agencies, the author comes to the conclusion that administrative responsibility for the varied activities should be centralized, vested in the fewest possible number of persons, and the agencies correlated as to function to make possible the exchange of ideas, information and service.

In line with these conclusions the report recommends the creation of a public welfare bureau for the entire county of St. Louis, under the control of the board of county commissioners which is the elective body. It is proposed that the board of county commissioners appoint a director of the public welfare bureau from a list of three eligible persons, submitted by the state board of control, which is the state agency for charities administration, and that this director have complete executive management of all the county agencies consolidated, including the appointment and removal of all employees. An advisory board of citizens of not less than seven members is also recommended for appointment by the county commissioners to confer with the director of the public welfare bureau and report to the county commissioners. Four divisions of the bureau are suggested: (1) health, (2) institutions, (3) service and family relief, (4) child welfare. A special tax for the support of the proposed bureau is advised, to be based upon budget estimates submitted by the director and approved by the county commissioners. A confidential exchange for the use of all social agencies, public and private, the transfer of all purchasing power to the county purchasing agent, and the keeping of all financial records of the bureau in the county auditor's office, are also urged.

The plan thus proposed accords with the present-day trend toward consolidation in government and better organization of local health and welfare services on a county or district basis. Similar studies of local governmental activities looking toward their better correlation and more centralized administration on a county basis have recently been made by a joint legislative committee in New York state under the leadership of State Senator Frederick M. Davenport. The St. Louis county study advocates for later consideration the division of the entire state into districts, in each of which all health and social welfare work shall be done under the control and direction of the state. The county plan described is therefore to be considered merely a first step in a proposed general state reorganization in Minnesota.

Certainly the program offered in the report has much to commend it. Local welfare administration in Minnesota is apparently as ineffective and wasteful as it is almost everywhere else. Health and charities work in local communities is being conducted in much the same way as fifty years ago, although the amount of money being spent has multiplied many times, and the duties devolving upon local authorities have become more arduous and demand far more skilled treatment. County and town government needs more thorough study in every state, and such study as has been made in St. Louis county in Minnesota will undoubtedly stimulate other counties to do likewise. Its author, Robert M. Goodrich, and the organization which he represents, the Taxpayers' League of St. Louis county, are to be congratulated on a worth while contribution to the science of government administration.

C. E. McCombs.

*

P. R. Constitutional in Ohio.—As we go to press, word is received that the Ohio supreme court has sustained the constitutionality of the proportional representation provisions of the recently amended Cleveland charter.

II. CITY MANAGER NOTES

Edited by John G. Stutz

Executive Secretary, City Managers' Association

Rush to Pay Poll Tax.—Following the publication in a local paper of an article by the manager of Nowata, Oklahoma, illustrating the cost incurred by one man who forgot to pay his poll tax, eight men were waiting for Manager Oscar Dobbs when he arrived at the office the next morning. During the day twenty-two others came in and paid their poll taxes. Several of them were men whose days of grace had expired and for whom a warrant for their arrest was about to be issued.

*

City Manager Fred Rhodes of San Diego, California, has recommended to the council a proposition to construct a boulevard around Balboa Park. The proposition will go on the ballot at the primary on March 20.

*

City Manager Graeser of Temple, Texas, is a member of the executive committee of the League of Texas Municipalities, and will be one of the principal speakers at the convention to be held at Bryan, Texas, on May 9 and 10.

*

The Town Crier.—The second issue of the Clarksburg *Town Crier*, published by City Manager Harrison G. Otis under the authority of the city government, tells, among many other interesting municipal items, of the capture and imprisonment of nine members of a black-hand gang who have been terrorizing the citizens of Clarksburg.

*

City Manager Ernest E. Lothrop of Mansfield, Massachusetts, has been granted an increase in salary of $400 a year, making his present salary $4,000 per year.

*

A Municipal Ice Plant which is owned by the city of Hinsdale, Illinois, has been operated at a saving of 30 per cent on the cost of ice to the consumers, according to City Manager Frank D. Danielson.

*

P. P. Pilcher, city manager of New Smyrna, Florida, has resigned, effective March 1.

*

Colby and Boonville, Missouri, have been making considerable progress in the campaign for the adoption of the city manager plan.

The City Officials and citizens of Harriman, Tennessee, have for some time been making an investigation of the city manager and commission forms of government in view of changing their charter.

*

Berkeley, California, with a population of 56,036, adopted the city manager plan by a majority of 2,160 out of a total vote of 8,312.

*

Knoxville Approves Manager Plan.—The citizens of Knoxville, Tennessee, cast their ballots for a change of government on March 3. The following are the results of the election:

City manager plan.......	3,882
Mayor-alderman plan....	1,802
Commission form........	295

*

The Indiana Senate has postponed indefinitely the bill repealing the Indiana city manager law and therefore the cities of Indiana may continue to adopt the city manager plan when they so elect.

*

The Charter creating the city manager form of government for Albany, Georgia, did not carry, and the case is now in the court to decide the status of the plan. The city will be governed by the mayor-council plan as formerly until a decision is made.

*

C. M. Constitutional in Wyoming.—The supreme court of Wyoming handed out a decision on February 15 that the city manager law of that state was constitutional with the exception of two points out of nine. The court ruled that the whole law was not void by reason of these two unconstitutional provisions.

*

Tracey V. Stephens of Excelsior Springs, Missouri, died at the Excelsior Springs sanitarium, February 25, of pneumonia. Mr. Stephens had been city manager of Excelsior Springs since July, 1922, having come to that position from Lansdown, Pennsylvania, a suburb of Philadelphia, where he was employed as a consulting engineer. Mr. Stephens had conducted the affairs of the city in a most satisfactory way, according to Mayor Hugh Wilhite. His work and plans for the city will be a lasting record.

III. AMERICAN CIVIC ASSOCIATION ITEMS

Meeting American Civic Association in Washington.—The officers of the American Civic Association are arranging for a day early in April, when the Japanese cherry trees are in blossom, a meeting of the Executive Board in Washington, to be followed by a trip around the Federal City and a dinner conference with the Washington members of the association and others interested in the right development of the capital of the country.

The Lincoln Memorial is now open to the public and the setting is gradually being brought into shape. Water has been turned into the reflecting pool and the terraces have been sodded. The white marble columns, set four-square on firm foundations, frame the bronze figure of Abraham Lincoln which rests between the bronze tablets bearing his words, which live in the hearts of the American people.

◆

If We Value Our Federal City, Let Us Protect It.—The people of the United States have the unique distinction of possessing a Federal City designed for, and devoted to, a single industry—the manufacture of national government. Washington belongs to all the people. If it is to develop in a worthy way it must have the interest and support of the people. In a recent letter to Mr. Frederick A. Delano of Washington, after a visit to the national capital, the eminent English town planner, Mr. Raymond Unwin, says of Washington:

> Lord Bryce's booklet on Washington and its site is a good piece of work, and I am glad to notice what emphasis he lays on the beauty of the situation and of the surroundings of Washington. I feel that in the new Lincoln Memorial the traditions of the city have been worthily maintained if not surpassed. If the future additions to that central group of buildings around the Mall can be considered with anything like the care, and treated with anything like the spirit and capacity that have given you the glorious Lincoln Memorial, then, indeed, the surpassing beauty of the center of the city will be assured and will become an example to all modern towns. I hope, however, that those with whom the care of the city rests will not overlook the importance of preserving uninjured that fine setting to which Lord Bryce gives so much attention, and that a somewhat stricter control may be kept on the development of the outskirts, particularly those outside the area included in the definite Washington plan, because it is evident from what has already happened that the views from the steps of the Lincoln Memorial, from the Capitol, and other points of vantage, may soon be so seriously injured by ragged and incongruous developments on the outskirts as to detract materially from the central area. I believe public opinion will probably prove strong enough at no very distant date to secure the rectification of the damages to the central area which some of the semi-temporary war buildings have effected; because there are constantly before the eye in the parts of the city in which the country takes special pride. But the public are much less able to appreciate the broad scenic effects or to realize how these can be preserved by proper guidance of the development. I wish it were possible to create a planning commission for Greater Washington and to have a scheme of development prepared which, apart from the practical considerations that must, of course, be provided for, would be directed to preserving the surrounding scenery from injury and so ordering the future developments and preserving sufficient of the prominent points to secure woodland cover and the general background of foliage to the pictures which the beautiful groups of central buildings make, and will, I hope, continue to develop.

It is to protect the development of Washington that the American Civic Association is announcing for the autumn its fact service on the Federal City.

◆

Obstruction Tactics Threaten the Washington Plan.—On February 24, just seven working days before the adjournment of congress, an obscure item in the third deficiency appropriation bill for the current year came before the house of representatives. It read:

> For repairing and reconstructing the main conservatory of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, $117,635. The foregoing work shall be performed under the supervision of the architect of the Capitol after consultation with the director of the Botanic Garden.

On the floor of the house Representative Madden stated that there was great danger of the present building falling down with "great loss of life as a result."

Those who read the article on *The L'Enfant Plan and the Botanic Garden* in the REVIEW for July, 1921, will remember that the present Botanic Garden, with its conservatory and its house in which the superintendent lives, cuts across the mall approach to the Capitol, and that the location of the impressive Grant Memorial, unveiled last year, and of the Meade Memorial, in course of construction, within the old Botanic Garden, have sufficiently indicated the will of congress that the Burnham plan for the development of this area be carried out. It was with some surprise, therefore, that those who have advocated the removal of the old conservatory, read in the evening paper that the house of representatives had voted for this expenditure to rebuild the conservatory in its present incongruous location. Representatives Cooper and Stafford of Wisconsin opposed the appropriation to rebuild the conservatory on the grounds that it would delay for many years the development of the mall approach to the Capitol as advocated by the Fine Arts Commission. In spite of this vigorous opposition the bill included this item when it went to the senate.

The senate sub-committee, at the request of many civic organizations and public-spirited individuals, reported a substitute item, which as adopted by the senate read:

> For the removal and re-erection of the main conservatory on a site south of the Capitol in the area set apart for the enlargement of the Botanic Garden, including personal services, labor, materials, and all other expenses, incident to such work, fiscal years 1923 and 1924, $117,635, etc.

When the bill went to conference the house conferees decided to let the whole matter go over to another congress. The $117,635 which could have been claimed towards the building of a new conservatory was declined. If the old conservatory is as dangerous as it was claimed on the floor of the house the lives of caretakers and visitors are threatened daily; but the house committee evidently prefers to risk human lives rather than allow this particular glass house to be removed.

The incident would be laughable were it not for the fact that the appropriation would probably have slipped through in the rush of the closing days if the eternal vigilance of those who "watch" congress had not brought the matter to the attention of the senate committee, and if it had slipped through the almost certain result would have been to delay the development of the approach to the Capitol and the setting for the Grant and Meade Memorials for another generation.

The realization of the plan for Washington ought not to hang on such a slender thread of chance. There should be a well-informed public opinion, zealous to protect the plan, which would make flagrant proposals to obstruct the plan so unpopular that no committee in congress would dream of supporting them.

◆

National Parks in the Last Days of the 67th Congress.—The American people have become accustomed during the past few years to a congress in almost continuous session. The prospect that nine months will elapse before the first regular session of the sixty-eighth congress resulted in a concentration of pressure upon congress by advocates of special favors for the home folks.

The provision for the all-year-park included in the Bursum bill (S. 3519) which passed the senate August 17, 1922, and came before the house committee on Indian affairs for hearings on January 11, 1923, was hotly contested. Representatives of scores of organizations comprising many thousands of civic-minded men and women opposed the park features in this bill. The park was advocated by those who reside near it. Secretary Fall appeared personally in behalf of the bill. There was no doubt that a park within the Mescalero Indian Reservation was desired by the local citizens. No evidence was offered before the committee to prove that the land was of national-park quality or that it conformed in any respect to the definitions of a national park set forth in the American Civic Association's Primer on Parks. The committee was not in possession of the expert opinion of the National Park Service concerning the area. After the public hearings the committee endeavored to agree upon an amended bill which would have eliminated some of the objectionable features but which would have created a national park of an area yet unproved in qualifications and an area which, apparently, could not be entirely alienated from the Indians. The committee, however, was unable to agree upon this amended bill and congress adjourned leaving the bill in committee.

Secretary Fall had announced his policy that he would like to have incorporated into the national park system all areas offered in gift. He had made it clear that he would like to see the service of national parks extended to all parts of the country. He failed to take into consideration that nature has not distributed her scenery, like the members of congress, geographically. He failed to profit by the experience of cities. Municipal officials have learned by sad experience that they cannot accept all gifts offered to the city. Municipal officials are becoming increasingly discriminating in their acceptance of gifts. National officials should be equally discriminating. The theory that the National Park Service should accept all gifts of land and so increase its acreage without regard to quality of the landscape or national appeal of its scenic wonders is one which leads straight to confusion and ultimate destruction of the national park system, brought together over a period of years at great cost of effort and service. It is true that there are a few areas within the present system which may not come up to the standard, but if the national park system becomes a catch-all for park areas desired by every village and hamlet and town it will become a national scandal equal to the rivers and harbors appropriations and the post offices of old. The only safety for the national park system is that its areas should fall so clearly within the national standard that they unquestionably can be protected against alienation to other uses.

Acting upon this theory the American Civic Association opposed the passage of the Slemp bill (H. R. 12953) to establish a national park in Virginia to be called Appalachia National Park, comprising some five thousand acres on the summit of Knob Mountain to be donated to the government. The area had been examined by an official of the department of the interior, but not by any member of the National Park Service. At the hearing on the bill before the house committee on public lands a representative from Kentucky appeared with rival claims for another national park a few miles across the line in Kentucky. But the American Civic Association was not satisfied to oppose the bill without offering a constructive alternative. It was urged that the area would undoubtedly make an excellent state park and the proponents of the bill were given cordial invitations to attend the State Park Conference to be held at Turkey Run State Park, Indiana, May 7, 8 and 9. This bill died in committee as did a similar bill introduced into the senate by Senator Swanson of Virginia.

Unfortunately the Barbour bill to exchange certain lands and extend the Sequoia National Park to include the beautiful Kings River Valley, introduced into the sixty-seventh congress on June 29, 1921, also died with the adjournment of congress. The National Park Service had passed on this land. The National Parks Committee, composed of organizations interested in, and informed concerning, parks, had endorsed the bill. The national forest service had advocated it. The American Civic Association had urged the passage of the Barbour bill during the sixty-seventh congress because the power interests look with longing eyes on these valleys which rival the Yosemite, as cheap reservoirs for compounding water to develop enormous power projects for profit.

A philosopher cannot refrain from reflecting that it seems harder to secure the passage of a bill clearly in the interests of the people at large than to push through bills in the interests of local groups who know exactly what they want or in the interests of commercial groups who stand to profit by free use of the public domain.

Harlean James.

IV. MISCELLANEOUS

A Social Service News Syndicate.—Better Times, Inc., publisher of *Better Times*, the lively magazine published each month under the editorship of Mr. George J. Hecht, has inaugurated the Better Times Syndicate. The purpose of the Syndicate is to provide its members with news and editorial service dealing with various phases of civic development, housing, city planning, public health, education, safety and recreation. Newspapers, magazines, chambers of commerce, etc., are subscribing to the Syndicate in gratifying numbers.

Prominent men engaged to write feature stories for the service include Dr. George E. Vincent, Lawson Purdy, Walter Camp, Heinrich Van Loon and Arthur Guiterman.

A nominal charge is made proportionate to the size of the community in which the subscribing publication circulates. The address is Better Times Syndicate, 100 Gold Street, New York.

Proposed that Chicago River Become Driveway.—A novel plan for utilizing the space now occupied by the Chicago river and for increasing street facilities as a relief for congestion has been submitted by Angus S. Hibbard, consulting engineer, to Charles H. Wacker, president of the Chicago Plan Commission. Mr. Hibbard states that the Chicago river is used less and less each year for purposes of navigation beyond Michigan Boulevard. He, therefore, proposes to close the river for navigation at Michigan Boulevard and to construct on concrete piling a street the entire width of the river for nearly two miles. He would provide access for motor vehicles of all kinds where needed and preserve all bridges and construct others so that the new street would be crossed at the levels of the present river. Properties now backing on unused river docks would thereafter be located on valuable street frontage.

Mr. Hibbard concludes that the Chicago river was never a thing of beauty and is now, as a river, of little use. Before spending millions on other plans he asks consideration for the possibilities of making the river a great thoroughfare rather than to confine Chicago still more within her loop boundaries and to compel her forever to gaze hopelessly on a great open sewer.

⁂

A Correction.—We regret an error in the note upon the Long Beach manager recall in the January issue, which appeared under the name of Mr. Paul B. Wilcox, but which was in fact a mistake of the editor. The water meter altercation which was attributed to Long Beach really occurred in Lawton, Oklahoma, which city abandoned manager government on November 7, 1922.

⁂

The Eleventh Annual Convention of the League of Texas Municipalities will be held at Bryan, Texas, May 9 to 10.

⁂

Mr. Warner C. Brockway, formerly of the Michigan State Department of Health, has joined the staff of the Duluth Taxpayers' League.

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HEADQUARTERS OFFICES AT 155 EAST SUPERIOR ST., CHICAGO

Mayor Doremus, who was backed by union labor in the election, is already confronted with a demand from the car men on the municipal street railway for a 20 per cent increase in wages and for recognition of the street car men's union.

A big fight centered around the municipal court. The four judges who have been leading the program for the new unified court were up for re-election. Of these Judges Keidan and Cotter were re-elected, but Judges Marsh and Heston were defeated. The places of the latter will be filled by two new men pledged to sustain the new court but supported solidly by its enemies. A hopeful feature is the pledge of all seven judges elected to sustain the new court and to develop the psychopathic and probation features and to oppose political influence. The disappointing feature, however, is that the majority control of the court passes out of the hands of those who made it and are responsible for its success.

⁂

Royal Commission Reports Against Consolidation of Metropolitan London

The Royal Commission on London Government has reported against any changes in the present multiple system of local government in London which would centralize the numerous local governments under a single authority. The commission has been sitting since December, 1921, and its findings will be of great interest to Americans who live in large urban areas governed by two or more overlapping local governments.

The London County Council, which now exercises authority over Metropolitan London in a few matters, notably education and public health, sponsored the plan for consolidation, but the numerous metropolitan boroughs opposed it successfully. Local pride is strong in London as with us (as many who live in Boston, Cleveland and other cities can testify) and the London boroughs are joyful in the thought that the "imperialistic" designs of the County Council have been frustrated. However, we predict that the matter is no more settled in London than is our cities which, like Chicago, suffer under the wastes and duplications of a multiplicity of local governments.

Metropolitan London is blessed (or cursed) with an extremely complex government. There is nothing in the United States like it, although our condition is often bad enough. There is first of all the City of London, that ancient corporation governing the territory contained, for the most part, within the old city wall. Then there is the administrative county of London governed by the County Council, from which, however, the City is excluded. But the administrative county is composed of 28 metropolitan boroughs, each maintaining a separate government with its own mayor and council. There are also 28 boards of guardians, 26 assessment committees, four boards of managers of school districts, one sick asylum board and one metropolitan asylums board. In addition there are various boards, such as the Metropolitan Water Board and the Port of London Authority, with jurisdiction over areas extending beyond the administrative county.

To the average American this presents a *prima facie* case for consolidation. Not so to the Londoner. Nevertheless there is sentiment in favor of consolidation and simplification. The London *Municipal Journal* is a particularly staunch advocate of the latter. In the long run such opinion will prevail.

MINOR HIGHWAY PRIVILEGES *as a* SOURCE *of* CITY REVENUE

A REPORT OF THE NATIONAL
MUNICIPAL LEAGUE COMMITTEE
ON SOURCES OF REVENUE

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FOREWORD

In 1921 the committee on Sources of Revenue of the National Municipal League called attention to minor highway privileges as an undeveloped source of municipal revenue. It is the purpose of this report to discuss these minor highway privileges in greater detail than was possible in our more general statement. This report is based on material prepared by Miss Mabel Newcomer, Ph.D., Professor of Economics at Vassar College, and is to be considered as a supplement to the reports which this committee has already made dealing with New Sources of Revenue; Assessment of Property for Taxation; and Special Assessments for the Financing of Public Improvements.

Luther Gulick,
Chairman.
Robert Murray Haig,
Harris S. Keeler,
Mabel Newcomer,
A. C. Pleydell,
William A. Rawles.

MINOR HIGHWAY PRIVILEGES AS A SOURCE OF CITY REVENUE

By the Committee on Sources of Revenue

I. INTRODUCTION

DEFINITION

Minor highway privileges are defined, by the bureau of the census in the *Financial Statistics of Cities*, as "licenses or easements granted for utilizing, for purposes specified, portions of the highway or space above or below it. . . ." Included in those are the privileges of excavating sidewalk vaults, erecting overhanging signs, or building balconies or other projections.

No one walking down a city street can fail to be impressed with the number of more or less necessary impediments to traffic; piles of material where new buildings are in the course of construction; open manholes where gas mains are being repaired; coal chutes; sidewalk lifts; piles of boxes in the process of being loaded or unloaded; and comparatively harmless street clocks, barber poles and gasoline pumps. For these privileges it is customary, in most cities, to make some more or less nominal charge; but in few instances has any effort been made to develop these charges as a definite source of city revenues. Commissions on new sources of revenues, and other bodies and officials concerned, have not overlooked this source. They have frequently considered, and almost as frequently recommended, new or increased charges for minor highway privileges. But only rarely has any action been taken upon these recommendations,—perhaps because the yield at best would be far from adequate to meet the city's need.

Major highway privileges, *i.e.*, the operating franchises of public utilities, are far more valuable. In 1919[1] these yielded 93 per cent of the revenue obtained from all highway privileges in cities of 30,000 population and over. But the more valuable franchises have been disposed of long since. Moreover, where public utilities are adequately controlled it would seem desirable, since their services are essential to the general welfare, that they should be required to maintain low rates for these rather than that they should be permitted to charge higher rates and then return them in part to the general public in the form of franchise taxes.

With minor highway privileges the situation is somewhat different. Public utilities facilitate traffic, and it is important not to interfere with them but, the uses of the street for which minor highway privileges are granted tend rather to impede traffic, and any unnecessary use should be discouraged. A charge for storing building materials in the streets, for instance, will discourage avoidable delays in removing them. Consequently there is no objection to charging "what the traffic will bear" in most cases.

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[1] This and the following data are from the United States census bureau's *Financial Statistics of Cities.* This report was not published by the census bureau for the year 1920, and the 1921 report contains only a part of those cities of 30,000 population and over, and does not differentiate between major and minor highway privileges.

REVENUE FROM MINOR HIGHWAY PRIVILEGES

Cities have not had adequate experience with these sources to indicate the amount of revenue that they can be made to yield. The income derived from them thus far is small. In 1915, when the yield of minor highway privilege dues was largest, only one and one-half million dollars was obtained from them in cities of 30,000 population and over. In 1919 less than one million dollars ($906,857) was derived from these privileges, or less than one-tenth of 1 per cent of revenue receipts; and of this amount more than one-half ($494,191) was obtained in one city, Chicago. But there are any number of legitimate uses of the streets which have a considerable value, and for which some charge can be made. Those privilege dues yielding the largest revenue in 1919 are, in the order of their yield, vaults and tunnels, spur tracks and sidings, venders' stands, street signs and awnings, pipes and conduits, and storage of building material. Occasionally charges are also made for street bridges, storage and sale of merchandise, areaways, erection of poles, gasoline tanks, bay windows, and platforms of one kind or another. The fact that in most cases one-half or more of the revenues from each one of these sources is derived in one city indicates that these are almost untouched sources. Only in New York, Chicago and Baltimore has any considerable development of these charges taken place, and even here there is opportunity for further extension. These cities obtain only one-tenth of 1 per cent, five-tenths of 1 per cent, and three-tenths of 1 per cent respectively, of revenue receipts from minor highway privileges.

YIELD OF MINOR HIGHWAY PRIVILEGE DUES IN CITIES OF 30,000 POPULATION AND OVER IN 1919, SHOWING THOSE CITIES OBTAINING THE LARGEST AMOUNT FROM EACH SOURCE

Source	Total received by all cities	Cities receiving most from each source		
		Name of city	Amount received	Per cent of total
All sources	$906,857	Chicago	$494,151	54.5
Special sources				
Vaults and tunnels	130,096	New York	119,549	92.0
Spur tracks and sidings	118,214	Chicago	86,758	73.4
Venders' stands	117,485	Chicago	52,320	44.5
Street signs and awnings	92,581	New York	45,145	48.8
Pipes and conduits	25,604	Chicago	15,205	59.4
Storage building material	18,790	Philadelphia	5,663	30.2

PRINCIPLES CONTROLLING RATES

There are as yet, no accepted standards for determining the amount and nature of minor highway privilege dues. The lack of experience in making charges for these privileges makes it impossible to determine the rate of the charge which may be made for any specific privilege. But agreement on the factors which should determine the nature of such charges ought to be attained readily. Whether or not, for example, the charge of one hundred dollars made in Baltimore for a bay window projecting into the street is adequate, is difficult to say. But since the value of such a privilege depends largely on its duration it seems clear that an annual license charge, in the nature of a rental for the use of street space, would be fairer than this single payment; and probably also more lucrative in spite of some additional cost of administration.

In the case of sidewalk vaults, bay windows, porches and other comparatively permanent uses of the streets, in so far as they are permitted at all, an annual charge varying with the space occupied should be imposed. The rates will vary necessarily, as the value of the privilege varies, for different kinds of privileges in different cities, and in different streets in the same city, but they will tend to equal full rental value as nearly as that may be ascertained. For the temporary uses also, such as sidewalk stands and the storage of building materials, the charge, although not recurring, should vary with the length of occupancy as well as space occupied. Other factors to be considered are the extent to which the highway is obstructed and any damage to pavements which may result. Needless obstructions should be forbidden, and where privileges interfere with traffic the charge should be heavy enough to prevent unnecessarily prolonged use. Any injury to pavements should be repaired or else met by the charge.

The two minor highway privileges receiving the most attention as sources of revenue are sidewalk vaults and street advertisements. For this reason the committee presents the situation with regard to each of these in the following two sections of this report.

II. SIDEWALK VAULTS

Sidewalk vaults are one of the most valuable of street privileges, but they are rarely licensed at a rate even approximating their value. A nominal charge for a permit is often as much as any city attempts to make, and not all cities charge even this. Very few cities report any revenue at all from this source, and none report any large amount.

The abutting property owner always has special rights in using the streets, and where the fee of the street is invested in the abutting property owner it is open to question whether the city can control the construction of such vaults, or place special charges on them, as long as they are safe and do not interfere with the proper use of the streets. But if no special charge can be imposed they can still be assessed and taxed with other real estate under the general property tax. This is in fact done to some extent. In New Haven, for example, the value of sidewalk vaults is definitely included in the value of real estate. And in all cases the presence of such vaults adds to the value of the adjoining property and the increased value is probably in some measure reflected in the assessed value of the property. If the city holds fee title to the land, however, it is entitled to something more than a tax on the assessed value of the property, and the full rental value of such space may be charged.

CHICAGO EXPERIENCE

Chicago led the way in imposing special charges on sub-surface area vaults. These charges, when first imposed in February, 1904, equalled 2 per cent on a value obtained by assessing the area at one-tenth of the average assessed value per square foot of the abutting property. This was later raised to 4 per cent, and since the assessed value of property in Chicago is about 25 per cent of actual value this made a rate equal to one mill on the market value of abutting property, — a very low charge. In those cases where the vault extended more than fifteen feet below the surface one-half of the above rate was charged for every twelve feet, or fraction thereof, in depth. This measure resulted in some eight suits being started against the city to determine the right of the city to make such charges. In the decisions handed down by the supreme court of the state it was held that in many parts of the city the fee to the property rested in the abutting property owners, and that in consequence no rental could be charged by the city. As a result of these decisions, those property owners in the districts in which the fee to the streets was in the city petitioned the city council for repeal of the ordinance, in as much as it could not be universally enforced; and in January 1912, the council passed a new ordinance repealing the rental charge, and imposing instead a flat rate of five dollars for the first 4,000 cubic feet, and one dollar for each additional 1,000 cubic feet or fraction thereof. The yield of the original charges proved to be small, largely because of the uncertain status of the charge. It never attained the estimates made at the time when it was first imposed. The present permit fee yields much less. Only $2,578 was derived from it in 1919.

RATES IN OTHER CITIES

In Baltimore an annual charge is levied on the value of the area of the vault. The rate is 5 per cent of a valuation obtained by assessing the area of the vault at one-half of the assessed value of abutting property. Since property is supposedly assessed at full value in Baltimore this would seem to be a heavy tax, but the actual yield reported is very small.

Omaha, Nebraska, obtained between $16,000 and $17,000 from this source in 1918, the first year that such a charge was made. The rates in this city are fifteen mills for sidewalk space and twenty-five mills for other. This rate is on the assessed value of the area of the vault, such assessed value to equal the average assessed value of abutting property. Taking into consideration the fact that real estate in Nebraska is assessed at only 20 per cent of its value this means a rate of three to five mills on market value. This is a much lower rate than that in Baltimore and less than one-fourth of the usual tax rate on real estate as a whole in Omaha.

Lincoln, Nebraska, has been levying a rental charge for a number of years which varies, as do those in Baltimore and Omaha, with the floor space of the vault and the assessed value of the abutting property. The rate amounts to approximately two mills on actual value,—a rate lower than that in Omaha. The general property tax rate in Lincoln is usually higher than that in Omaha. Owing to the low rate and the small size of the city, the yield is very small.

In New York, Philadelphia, Buffalo and a few other cities, a considerable initial charge is made for the permit, but there are no further payments and the revenue accruing is comparatively small. It was estimated by the commission on new sources of revenue of the City of New York in their report in 1913 that the revenue that New York city could derive from vaults under certain business streets would be over one million dollars. While this estimate covered some of the most valuable districts of the city it was for only a very limited area. The total revenue which New York might obtain would be very much larger. Any exact estimate is impossible since the city does not have complete records of permits granted.

The extensive use of sidewalk vaults is confined to the larger cities, and only in these do they have any great value. But these cities, at least, could derive a very considerable sum from this source by imposing a reasonable charge on all vaults. In many cases such space is used for basement restaurants, stores and barber shops, and has very great value to the occupants.

DETERMINATION OF VALUES AND RATES

What constitutes a reasonable rate of charge for vaults is not very clear. The value of the vault space varies with the value of the abutting land, and charges should vary accordingly. In consequence the assessed value per square foot of abutting property multiplied by the square feet of floor space of the vault would seem to be the most satisfactory basis. Inside lots of uniform depth should be used as a standard for this since the average value per square foot of abutting property will vary with the depth of the lot without in any way affecting the value of adjoining sidewalk vaults. Square feet are chosen in preference to cubic feet because, while the depth of the vault affects its value, the value depends more directly on floor space than on cubic contents. The factor of depth may be taken into account by increasing the rate with the depth,—perhaps, like the former charges in Chicago, adding one-half of the original rate for every twelve feet (or fraction thereof) of depth after the first fifteen feet.

But the rate that should be charged on this valuation is difficult to determine. If the city holds the fee in the streets it is entitled to full rental value; but it is not easy to ascertain such rental value. The vaults can be used only by abutting property owners, and consequently there can be no competitive bidding for them. The actual value of the use to which such vaults are put might be ascertained, but the occupier may not be using them to the best advantage. Vaults now used for coal bins or for storage purposes might conceivably be used to better advantage for basement shops. Moreover, vaults are usually constructed by the owner of the abutting property, and his investment must be taken into account. The assessed value of the abutting property is an indication of the relative value of vaults in different streets and districts, but it does not determine directly the actual value of any one vault, which, being under the surface only, cannot compare in value with the value of the adjoining land. The rates proposed for New York city by the commission of new sources of revenue and by other investigators, and the rates actually used in those cities experimenting with such charges, vary from one mill to fifty mills on a value equivalent to the estimated actual value of abutting property per square foot. As yet there is no standard. The brief experience of Omaha seems to indicate that a five mill rate on the dollar of value is a conservative charge and will yield an appreciable return. Probably a higher rate could be charged without injustice. It is the suggestion of this committee that the initial rate in any city be not less than five mills. Once this has been put into operation it will be possible to increase it or decrease it to meet conditions on the basis of known facts.

III. OUTDOOR ADVERTISING

Outdoor advertising is the second important undeveloped source of revenues from minor highway privileges. The amount obtained from this source in 1919 in cities of 30,000 population and over was $92,581, or 10.2 per cent of all revenue from minor highway privileges. Forty-nine per cent of this amount came from New York city. Baltimore and Chicago are the only other cities reporting more than $5,000 from this source and only eighteen other cities report any revenue at all.

BASIS OF LEVY

All signs projecting into the street, or in any way occupying a portion of the public highway, are subject to municipal regulation and special charges. Billboards or electric signs on private property, if set back from the street, and if fire-proof and otherwise safe, and also not injurious to public morals, are not so clearly subject to further regulation. Some cities, notably Chicago, have carried control further than this, but it has not yet been established beyond dispute that the projection of the sight of an advertisement into the public highway constitutes a special highway privilege, as does the actual physical projection of the advertisement; and consequently such advertisements are probably not subject, for the present, to highway privilege dues. But if billboards on private property cannot be charged for special highway privileges they can be reached by taxes. Where taxes must be uniform on all property they can be taxed as other property. Where special taxes on property are permitted they can be subjected to heavier taxes than other property. Or they may be reached by business taxes,—as in practice they are reached when taxed at all. Such advertising is usually profitable, and not always desirable, and may therefore be made subject to rather heavy taxation.

Those advertisements actually occupying the public highway can be reached by special privilege charges. Such charges may be heavy, both because of the profitableness of advertising and because there is no good reason for encouraging it. Some cities have already restricted it materially; and many cities would probably prefer to place very definite restrictions upon it, or even to prohibit it entirely. But in so far as advertising is tolerated at all it may become a source of considerable revenue.

The ways of reaching advertising are various, as already indicated. The charge may be placed on the advertising company or agent, or on the bill poster; or it may be put on the advertisements themselves. The charges on the companies are business or occupation taxes,—flat or graded in proportion to gross earnings, or bills posted or some other rough measure of business transacted. Those on the advertisements may be ad valorem,—included under the general property taxes,—flat, or graded according to kind of advertisement, or area; or they may be charges for special highway privileges, perhaps a nominal charge for a permit or a small inspection fee,—perhaps a charge graded by area, kind, gross receipts, or the cost of erection, to approximate the true value of the privilege. All of these are considered here because of their close relationship to minor highway privilege dues on advertising.

ADVERTISING AGENTS LICENSE

The business license is the usual way of reaching advertising at present. This generally takes the form of a flat rate tax on bill posters, sign painters or advertising agents. Sometimes the charge is only $10, or perhaps $25; but it frequently rises to $100 or $200, and occasionally to $300 or $400. Such rates as these are obviously discriminatory and repressive in intention. The result of high flat rates is, however (judging from the number of companies licensed in the cities imposing them), not so much to check the business as to encourage the concentration of bill posting in the hands of one or two companies. If repression is desired the tax must be graded in proportion to business. This is sometimes done. Other license taxes are on the signs or billboards themselves, and these, particularly when proportioned to area, are far more equitable and may be made either more profitable or more repressive than the flat rate taxes, as preferred.

Of those cities reporting flat rate taxes on advertising, fifty-two tax advertising agents and agencies at rates varying from $5 to $500; ninety-two tax bill posters at rates varying from $1 to $400; twenty-four tax distributors of hand bills and pamphlets from $2 to $550; sixteen tax car advertisements from $30 to $300; two tax billboards from $3 to $10; and two tax electric signs from $1 to $10.[2] This is the more usual form of tax. Some taxes, however, are graded according to gross receipts and some vary with the area of the advertisement. Two cities tax bill posters in proportion to gross receipts; four tax advertising agencies in this way; and one taxes street car advertisements on this base. Business license taxes on advertisements graded according to area occur occasionally and are increasing. But there seems to be no tendency to standardize them. Of thirteen such taxes nine are based on square feet or yards, with rates varying from one-fourth of a cent per square foot to ten cents per square foot. One, based on square feet, has a varying rate according to the location of the advertisement. One is at the rate of fifty cents a running foot, and two are graded roughly into a few classes according to area.

BILLBOARDS

Billboards on private property can probably be reached best by a business license tax proportioned to area. The size of the board is not, however, a sufficient indication of its ability to pay taxes, for a billboard on Broadway or Forty-Second Street in New York city is immensely more valuable than one of the same size in a small village. "Model" billboard taxes, therefore, usually proportion the rate to the size of the city as well as to area. This is the method prevailing in France. Even this is not sufficient. A billboard on Broadway or Forty-Second Street is more valuable than in a more remote part of the city; and it is obvious that a billboard in some parts of New York city might be less valuable than one on the main street of a much smaller city. And even the district does not determine entirely. Two billboards in the same block may have different values because one has a greater "area of projection" than the other. This area of projection does not depend entirely on the size of the board. A billboard at the head of a street, or in a curve, may be seen for blocks, and in consequence this site is many times more valuable than an adjoining one with a different facing. The simple way of accounting for all of these factors—size, district, and area of projection—is to tax the board on its rental value (or the capitalized value of its rental if taxed as real estate). This may not always be easily ascertained, but it can hardly be more difficult to determine than the assessment of other real estate. Electric signs not projecting into the highway should be taxed in the same way.

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[2] This and the following data are obtained from the report of the census bureau on *Specified Sources of Municipal Revenue*, 1917, with additions and revisions from a questionnaire sent out to cities with more than 30,000 population in 1919. A number of changes have doubtless been made since—but such more recent data—indicates that this list is still representative.

PROJECTING SIGNS

Those signs, electric and other, actually occupying any portion of the public highway can be charged an even higher rate for this special privilege; for in this case the full rental value, with the proper discount for cost of construction and maintenance (or, in other words, the rental value of the location occupied), should go to the city rather than to any private property owner. Such rental value is more difficult to determine than in the first case, but it can probably be ascertained. It is doubtful whether the four factors of size, district, kind of sign, and area of projection, which determine the value of the sign, can be accounted for in any simpler way. A further factor to be considered is the extent to which a sign may impede traffic, but any sign which seriously interferes should be prohibited entirely.

CAR ADVERTISING

Advertising in public conveyances, when taxed at all, is ordinarily taxed at a flat rate. Such advertising is usually very profitable, and not particularly objectionable. It is occasionally taxed on gross receipts, as in San Jose, California, where it falls under the business tax on gross receipts. A net receipts tax is preferable, and such a tax can readily be imposed where the city has the power to tax business thus. Such advertising is actually taxed in this way in Chicago, together with the franchise tax on street railways.

IV. ADMINISTRATION

The committee wishes to call attention to the fact that the charges for minor highway privileges which it has suggested cannot be made fair or productive unless adequate machinery for administration is created. The methods of administration now being followed in New York city, Chicago, and Baltimore are worthy of note.

In New York city minor highway privilege dues are collected through the following offices: the five borough presidents, the department of licenses, the department of docks, the department of water supply, gas and electricity, the city clerk and the bureau of buildings.

In Chicago, the majority of the charges are made by the bureau of compensation, though some are administered by the bureau of streets, the department of buildings and the city clerk.

In Baltimore, the administration has been centered almost entirely in the bureau of minor privileges. While this practice commends itself to the committee, we are not certain that it is the best practice for large cities. Centralization undoubtedly serves to increase the efficiency of the administration. There are some privileges, however, which require the approval of other municipal departments, such, for example, as the laying of conduits in streets, and the erection of gasoline curb pumps. In New York, illuminated signs outside of the building line can be erected only upon the approval of the bureau of buildings and of the department of water supply, gas and electricity. The levy is then made at the rate of ten cents per square foot by the city clerk.

It is clearly impossible to set up a bureau of minor highway privileges in a city government with complete control over matters involving streets, buildings, traffic and fire and police protection, because these functions are entrusted to other city departments. It is, therefore, probable that certain of the minor privileges dues should rightfully be administered directly through the regular departments rather than through a central office.

In setting up the administrative machinery it is necessary to distinguish between permits and between rents. On the basis of suggestions offered in this report, an individual desiring to construct a sub-surface vault within street lines, for example, would be required, first, to secure a permit to construct such a vault, and second, to pay annually a rental charge for the privilege of maintaining the vault. Permits involving minor highway privileges should be issued only on the approval of the regular city department or departments involved. The levy and collection of annual rents, however, should be entrusted to a special bureau or department of the city government.

As a compromise measure, the bureau of minor highway privileges might accept applications for all permits and act as a clearing house for securing the approval of the various departments involved. This function would be assumed in addition to its primary function of administering the annual charges such as those to be levied on outdoor advertising and on vaults. The advisability of such a plan depends primarily on the physical arrangement of the offices of various departments involved and upon the degree of centralized control which exists over municipal administration. This varies from city to city.

The suggestions of the committee with regard to administration may be summarized as follows:

1. The issuance of permits involving minor highway privileges should rest primarily with the regular municipal departments involved.

2. The administration of minor highway privilege charges other than permits should be entrusted to a single office or bureau except where this centralization would overlap the work of other established departments. This bureau might be made also the central clearing house for the issuance of permits involving minor highway privileges.

3. All collections should be made through or under the control of the collecting office of the city.

Beyond these general suggestions, the committee believes it impossible to draw up any definite set of recommendations with regard to administration. Conditions differ widely in different cities.

V. CONCLUSION

It is the conclusion of the committee that minor highway privileges are at the present time a neglected source of municipal revenue in spite of the fact that they represent the use of public property by private individuals for personal profit. So little has been done to tax these minor highway privileges that it is impossible to estimate how much revenue they might be made to yield. While there is no possibility of making them a major source of income, it is clear that in the larger cities, at least, these privileges are of immense value and can and should be made to return a very considerable revenue to the public treasury. Since there is no danger that heavy charges will interfere with any but unimportant and, in most cases, undesirable uses of the public highways, there is every reason for developing minor highway privilege charges extensively. We conclude, therefore:

1. There is no reason why cities should not charge full value when granting privileges for such minor uses of the streets as are necessary, or not undesirable. In view of the difficulty in most cities of obtaining adequate revenues, it seems important that this source of revenue should be developed. Special consideration should be given to charges for sidewalk vaults and street advertising since these are the most valuable minor privileges.

2. For relatively permanent uses of the street the charge should be an annual one, in most cases varying with the space occupied, and in all cases equalling full rental value as nearly as this can be ascertained. The factors determining this value have been considered above.

3. For temporary uses one payment should usually be adequate, but this payment should vary with the length of time for which the privilege is granted. As in the case of the more permanent uses, the charge should equal full rental value.

4. In all cases privileges should be granted for a terminable period.

5. The administration of these charges must be placed upon an efficient and effective basis. This will require the centralization of their administration as far as is practicable and the employment of men who have expert knowledge.

DETROIT PLEASED WITH NON-PARTISAN BALLOT

A REJOINDER TO "PARTIES IN NON-PARTISAN BOSTON"

BY W. P. LOVETT

Secretary, Detroit Citizens League

"PARTIES in Non-Partisan Boston," an interesting article in the NATIONAL MUNICIPAL REVIEW for February, while making a real contribution to discussion of the question, is certainly open to objection on the ground that the author, David Stoffer of Harvard Law School, has drawn unscientific conclusions from insufficient data. From the standpoint of Detroit, the fourth city of America in population, which has had non-partisan government more than four years, a general invitation is extended to all-comers to investigate, report, and testify as to the facts.

Briefly stated, Mr. Stoffer's argument is that under its non-partisan plan of government, Boston still has local parties, definitely aligned, hence the assumed promise of "abolition of parties" in local government has not been redeemed; that non-partisan elections "have contributed towards a higher type of official and an improved administration" but "these benefits have been purchased at a heavy cost": retention of a partisan line-up, and "an intensification of the racial and religious question"; and that data supporting this conclusion, chiefly procured in Boston, have been re-enforced by "a survey by correspondence of thirty other non-partisan cities."

"A survey by correspondence" is helpful, to some extent, but it is open to considerable doubt as a basis for the conclusion given above. Correspondence has come to Detroit concerning this problem, and our experience in trying to analyze our own situation and make reply leads me to hesitate in adopting Mr. Stoffer's broad deductions. Both correspondence and personal contacts in many non-partisan cities, big and little, further force me to raise questions as to the actual facts, and as to conclusions which may be warranted at this time.

WHAT ARE NON-PARTISAN ELECTIONS INTENDED TO SECURE?

Most controversies, especially in the fields of religion and politics, suffer from the handicap of poor definitions. Granting that Boston experience alone might justify most of Mr. Stoffer's arguments, I admit it is news to me that the non-partisan objective has been entire abolition of parties. Was the movement not launched chiefly as a means of ridding local government of the burdens always carried when national parties, widely organized, insisted on dictating in the purely local field? Is not this view vastly different from one which would assume the desirability of abolishing all local organized groups, platforms, programs and candidates, and forever keeping them in a state of abolition? I believe there has been a general, wholesome tendency to develop new local groups, based on legitimate local issues, divorced in most cases from the national party organizations. And I question whether the peril of religious and racial issues, in the local field, has yet become sufficiently serious to warrant anything like the broad, final conclusions stated by Mr. Stoffer.

Mr. Stoffer says: "A municipal party may fairly be defined as any political organization which, independently of the state and national parties, habitually participates in local elections in support of certain candidates, principles, or policies." The analogy here to local voters' leagues, etc., is, in my judgment, weak. First, the old type of party is based on nominations dictated by the bosses. The average voters' league, at least, is administered by large numbers of citizens, who directly or indirectly express their opinions about candidates after the contestants are in the race, and not, as a rule, beforehand. Secondly, the party, as such, lives on "jobs," political patronage, and selfish preferment in office; where is the evidence showing that citizens' organizations, working for clean, non-partisan elections, exert themselves to control appointments, in any large number of instances? Thirdly, the factor of permanence, over periods of time, with political parties is something lamentably lacking, thus far, in the field of municipal reform. In fact, we are still admitting that "the salvation of the city," more often than not, is postponed because good citizens, standing for the non-partisan idea, are afflicted with "spasms of virtue" but do not endure.

Still another, though more general, item in the analysis consists in the fact that parties are usually selfish in method, motive and objective, while local reform groups, sustained solely by volunteer contributions from individuals, in the great majority of cases have no axes to be ground, no enemies to punish, no friends to reward; they work patiently for the public good, and are likely to receive more kicks than thanks for their pains. It is due largely to these local non-partisan groups in American cities that James Bryce's indictment of many years ago was decidedly altered when his last opinion was published in *Modern Democracies.*

RELIGIOUS AND RACIAL LINES

With reference to Detroit, while it is true that attempts have been made to draw religious and racial lines in local political campaigns, those attempts thus far have had little or no appreciable effect on the elections themselves; what may occur in future is still to develop. The perils pictured by Mr. Stoffer absolutely do not apply here. On the other hand we have had groups, controversies and alignments, purely local and legitimate, concerning municipal ownership of street cars, preservation or disruption of our clean election system, enforcement of law, honesty as against graft in city government, preservation of real non-partisanship in elections, economy or extravagance in administration of public schools, and maintenance of an efficient municipal court.

These and other issues, without doubt, will in future operate toward local party groupings, from time to time. Personalities of course enter into the contests. We are thankful and humble when we think of what the people, as a family of a million, have done for themselves on wholly community lines. But we have no idea of going back to the ward or party system. We get co-operation publicly among Roman Catholics, Protestants, Jews, and other sorts of religious people. We ask and expect men as candidates to stand forth as men, citizens of Detroit, whose platform is "a business-like administration of community affairs, without waste, graft, or favoritism." And thus far we have not even dreamed of witnessing within our gates any "shrouded form with masked face" to terrify voters whose chief boast is that they are free Americans.

THE BREAKDOWN OF CITY GOVERNMENT DUE TO GREATER COST AND NEW FUNCTIONS

BY LAWSON PURDY

Summary of an address delivered before the banquet session of our Philadelphia meeting, November, 1922. :: :: :: :: ::

Three days ago Mr. Dodds asked me to come here and speak on city government.[1] I yielded because I owe the League too much to refuse to render any service within my power. I told Mr. Dodds that I had in mind the growing complexity and cost of city government and its failure to meet the new demands upon it. That very afternoon my evening paper carried the news that in a city of the middle west the schools were closed for lack of money. My morning paper the next day carried the news that the firemen had been dismissed in another city in the middle west for lack of money. That afternoon my evening paper contained an able letter presenting a remedy which I shall describe later.

It is a matter of common knowledge that cities generally throughout the country have assumed new functions undreamed-of fifty years ago; that the demand for money was growing rapidly before the dollar began to decline and that since 1915 with a dollar worth sixty cents the demand for dollars has exceeded the power of cities to supply them for services that are essential. The census report of 1919 in the record of the chief 146 cities of the country shows the debt of these cities in 1903 as $933,000,000; sixteen years later $2,541,000,000. The per capita debt in 1903 was $44 and in 1919 $81. The per capita cost of government in cities in 1903 was $24 and in 1919 $35. That is a period of only sixteen years and the dollar had not declined to the bottom in 1919 nor had expenditures risen in proportion to the extent to which they have to-day.

THE CITY MUST BE FREE

The cities of the United States are in no position to meet these new demands by efficiency of service or by grants of money. Thirty years ago city government was deemed the disgrace of the nation. After twenty-five years Frederic C. Howe saw cities as the hope of democracy. And so they are; but they must be free to do their work.

The causes for the lack of intelligence in city government and for the ack of power in city government lie deep in the history of the last hundred years. Very naturally our people were afraid of autocratic power. This led to the election rather than the appointment of public officers. They wanted to be sure that the people retained all the power they could. In the '30's and '40's of the last century there was a tremendous demand for public improvements and an era of extravagance. The people became afraid of their elected representatives, and state constitutions from 1850 on show the effect of this fear. Instead of following the model of the Constitution of the United States with its beautiful simplicity, constitutions began to contain every conceivable thing. They were full of prohibitions and statutory directions. Some of the constitutions limit tax rates for state, county, and local purposes. When the constitution does not contain such limits they are usually found in statutes so that it is the rule rather than the exception that cities in all states are controlled in their expenditures, and controlled within very narrow limits. The power of boards of aldermen was so curtailed that men of ability found little attraction in serving on such a board. When boards of aldermen were inefficient or corrupt there was a further excuse for depriving them of power. In the last few years great progress has been made by substituting a small board elected at large possessing larger powers than the board of aldermen elected by districts possessing very little power. At the same time in over 100 cities provision was made for a city manager with full power to administer the city government and carry out the policies determined by the small elected board. The fact that this plan of city government has spread in so short a time to so many cities is proof of its success. There are dangers. Among them is the weakness of the selection of the commission to govern a city by districts instead of at large. If the commission is elected at large there is the danger of a division of the electorate on lines of national policy and the use of a commission to further the ends of a national political party rather than the welfare of the citizens of the city.

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[1] Mr. Purdy generously consented to fill a vacancy on the program which arose three days before the meeting.—Ed.

NO AUTOMATIC CURE

In human affairs there is no panacea that will work automatically. Nothing can take the place of intelligent, active participation in public affairs by all the citizens who have an interest in the city, but obstacles can be removed and some methods have been proved successful. Cities must be freed from constitutional restraints. They must be more free than they are to make their own charters, develop their own policies, and govern themselves without state interference.

There is a further remedy, that to which I referred as contained in the letter to my New York newspaper. In this was advocated proportional representation for the election of city commissions. By proportional representation every group of sufficient size can elect its own representative. A strong tendency will be exerted upon every group of voters to put forward such candidates as are most likely to secure the votes of others than the immediate group proposing them. A good commissioner would be certain of re-election.

Proportional representation is not an untried mode of election. It has been in use for a number of years in several countries and has been tried with success in some cities of the United States. It offers to-day the most promising method of improving city government. It would make city government so much more stable that the reluctance of legislatures to confer adequate powers of city government would be lessened.

We know that in our cities there is the patriotism, ability, and character to run our cities better than any private corporations are run. All we lack is the appropriate means of accomplishing the end that we all desire.

CAMP ROOSEVELT—BOY BUILDER

A PART OF CHICAGO'S PUBLIC SCHOOL SYSTEM

BY LILLIAN EWERTSEN

"NOBODY ever took any interest in me when I was a boy. Nobody ever told me things." That is the story which is heard on all sides in court rooms to-day, where criminals are being tried for breaking laws.

Careful analysis shows that the majority of lawbreakers do wrong not so much because of their knowledge of what is wrong, but because of their *lack* of knowing what is right. They have never been taught the right thing to do, as citizens.

Educators have for some time past been studying ways and means for the inclusion of a thorough course in citizenship training in the public schools. The Chicago public school system has gone further, and has established at Camp Roosevelt, during the summer vacation months, a great outdoor camp where boys may spend a healthful, enjoyable life "roughing it," and at the same time receive the benefits of a thorough course in citizenship building which sends close to a thousand boys home at the end of the season with a well-defined knowledge of law and order, of respect for American institutions, with respect for the rights of others, and respect of self. The better citizenship training enters into every phase of camp activity, and is an undercurrent which is felt more than seen. All of the one hundred and more officers, instructors, etc., who compose the staff of the Camp Roosevelt organization, start their instruction with the idea of "building better boys."

WAR DEPARTMENT CO-OPERATES

At the head of the camp, and constantly directing its activities, is Major F. L. Beals, U. S. A., the founder and commanding officer. Because he wanted to reach the red-blooded American lad in all corners of the country, (not a select few), he sought and secured the support of national organizations to bring about this great boy-building institution.

As a result, the war department assists in its maintenance by the loan of complete camping equipment, and the assignment of United States army officers and non-commissioned officers for instruction purposes. The American Red Cross has established a hospital, and a staff of doctors and nurses to look after the health and sanitation of the camp, in addition to offering courses in First Aid and Red Cross. The Y. M. C. A. operates a completely equipped "Y" hut and ten secretaries remain on duty during the entire summer to look after the welfare and comfort of the boys, and to assist in athletic and entertainment programs. To cement the whole, the Chicago public school system has made the camp an auxiliary of the Chicago summer schools. The summer school faculty in charge of the schools division, which includes seventh and eighth grade and complete high school courses, is selected in the main from the Chicago schools. Credits are honored on a par with those of other Chicago summer schools, and are recognized by educators throughout the country. Last summer, the camp schools were added to the list of accredited schools of the Indiana state board of public instruction.

Further backing for the camp was secured by public-spirited Chicago business men, who have formed the Camp Roosevelt Association, for the purpose of securing, through donation, the necessary funds to carry on the camp each summer. Mr. Angus S. Hibbard is chairman of the Camp Roosevelt Association. With such whole-hearted support on the part of the affiliating organizations, it is possible to offer boys the finest kind of a summer outing, under expert instruction, with the best of care and the best of food, at a fraction of the usual cost for such privileges. The only requisite for attendance is that a boy must be ten years of age or over, and possess a clean moral character.

CAMP WELL LOCATED

There are three avenues which boys may follow in the training courses. The summer schools division is for boys who have fallen behind in their school studies, and who desire to make up credits. The R. O. T. C. or military division is for older boys who prefer simply the outdoor, health-building program, and the junior camp is for younger lads. Each boy has his own job to do, and he is taught how by men whose devotion to their work wins the respect and admiration of every boy with whom they come in contact.

To insure the best results in training, the camp is sufficiently far removed from the main thoroughfares as to provide absolute privacy, yet near enough to provide for the daily delivery of fresh fruits, vegetables and meats. The camp site is a picturesque one, on Silver Lake, Indiana, eight miles east of LaPorte, and sixty-five miles from Chicago on the New York Central lines. Being within such easy access of the great railroad terminals is a deciding factor in favor of the location, as it enables boys from all directions to make good connections. The many buildings on the grounds were formerly occupied by a boarding school for boys, and so are admirably adapted for the convenience and comfort of the campers. The property was laid out by landscape gardeners, who did much to intensify the natural beauty of the spot.

The proper functioning of the mess hall in providing the very best food is assured by maintaining a mess officer, who has under his charge twenty-one cooks, pastry cooks, vegetable cleaners and peelers, assistants, dishwashers, etc. The large mess hall, capable of accommodating one thousand at a time, functions with absolute perfection, and the end of each meal finds hundreds of healthy, growing lads happy and contented, with not a word of complaint about the food—rather a phenomenal record, when you stop to consider boys.

Major Beals occupies the position of supervisor of physical education in the public high schools of Chicago, and in this capacity comes in daily contact with hundreds of growing boys. He is well versed in boy psychology, having made this his life study. It is his pleasure to advise, counsel and aid parents, where desired, in working out their "boy problems."

Those of us who are interested in progressive civic movements will find in a thorough study of the Camp Roosevelt Plan surprisingly new developments which will do much to assist boys taking the courses in becoming better future American citizens.

A NATIONAL AGENCY OF MUNICIPAL RESEARCH

BY STEPHEN CHILD

Washington, D. C.

Professor Merriam's illuminating paper, *The Next Step in the Organization of Municipal Research*, in the September, 1922, number of the Review, is important and timely. With his general thesis the writer is heartily in accord. Professor Merriam gives a clear outline of the more or less intelligent but quite inco-ordinate effort of the past, that has collected but by no means digested a great mass of municipal facts and makes the following pertinent statement: "There is no central co-ordinating agency available for the purpose of interpreting and applying this mass of facts and conclusions to the problems of municipal government in the broader sense of the term . . . no adequate central *clearing house for interchange of information*, and for mature analysis and interpretation of all the various types of data collected" and asks "is it not worth while considering whether some more effective device for *interchange of information* might be developed than we have at present?"[1]

The writer believes just such a device or agency is at the present moment in the throes of "bein abornin," so to speak, and that readers of the Review will be interested to know more about its aim and ambitions. The name of this organization, "L'Union Internationale des Villes" (The International Union of Cities), does not fully express its purpose. The facts are that with headquarters in Brussels and "Centers" organizing in Paris, London, Amsterdam, Dusseldorf, Rome, Washington, as well as in many other countries, there is forming what will become in effect *an international clearing house of civic information*. From all over the world, contemporary information, of all kinds, relating to civic affairs is being collected, studied, briefed, classified for convenient use and distributed to all progressive cities, as well as organizations and individuals interested in civic advance.[2]

This "Infant Prodigy,"—it is admittedly weak at present but its sponsors believe it to be capable of accomplishing a prodigious amount of good work,—is, like all such endeavors in their early stages, greatly in need of financial nourishment. In Europe this is being supplied through National Unions of Cities. There, municipalities join officially, subscribing through their National Unions a fee depending upon the population of the town and agreeing also to contribute all important data and published documentation in regard to their own local conditions. Here in America this did not seem feasible and while in the early stages of our investigation it was thought possible that some private organization might sponsor the project, the consensus of opinion now is that while it may be necessary to have private aid for a time, the problem as a whole is much more properly one for the government to solve, that in fact it falls quite properly within the field of what might be termed a civic affairs service admittedly so much needed and let us hope some day to be attained.

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[1] The italics are by the writer.

[2] The author was present at the initial meetings in Brussels in 1920 and prepared a more extended account of this organization which appeared in the Survey of January 21, 1922, under the title "An International Clearing House of Civic Information." Furthermore he has been at the central office a portion of the past two summers and is now in Washington helping forward the establishment of the proposed American Center. He would be glad to answer further inquiries which can be addressed to him, 410 Maryland Bldg., Washington, D. C.

An important step in this direction was taken by the preparation and presentation some months ago of the Tinkham bill which would have established a bureau of housing, town planning and living conditions that would have done many of the things Professor Merriam would like to have done. This effort fell by the wayside for various reasons, among others, because official Washington does not look favorably upon the creation of more bureaus. Nevertheless Secretary Hoover has taken a splendid step forward in this direction by creating in his department the division of building and housing. The helpful results already obtained by this division, its work in regard to zoning, housing and kindred matters is important and fully appreciated by the country.

A committee of the American Society of Landscape Architects, of which the writer is chairman, has raised a small fund and employed Miss Theodora Kimball, librarian of the School of Landscape Architecture and City Planning of Harvard University, to make a thorough study of conditions in Washington. Miss Kimball finds that all the material needed for an American Center of Civic Documentation is readily available in Washington, principally at the Library of Congress, and that it will be unnecessary, therefore, to spend any money on this account. This is important not only as regards expense but as justifying the original thought of organizing the American Center in Washington rather than in any other city or under any other auspices. Nowhere else is such a complete collection of civic data to be found or assembled at so slight expenditure.

She finds furthermore that trained assistants from the above mentioned division may be permitted by the Library of Congress and other sources to have all this material set aside for study and briefing and that by this means the collection and preparation of American briefs similar to those now being prepared in Europe can and, it is believed, will soon be started.

With regard to furnishing America's contribution toward the expense of the central office in Brussels, and thereby enabling American cities and citizens interested in civic development to receive the invaluable material which they are now collecting and distributing there, Mr. Hoover, who is interested, has written us as follows:

> However valuable co-operation with the Union might be, I can see no way for this department to contribute to the support of the Union without the specific approval of congress.

Our investigations prove that for various reasons it may not be possible to obtain such approval and government appropriation for the present,—that this may, however, readily come later when the value of the effort is more firmly established. Our committee is therefore at the present time endeavoring to arrange for temporary aid from a private fund and it is believed these efforts will be fruitful. We are confident that once started, even in this admittedly meager manner, results will justify larger funds that will enable ampler returns.

SCOPE OF PROGRAM OF OUR ANNUAL MEETINGS

REPORT OF COMMITTEE TO CONSIDER THE SUBJECT

This report was accepted by the Council on March 28, and ordered referred to the Program Committee. :: :: :: :: :: ::

Following a revision of the constitution and by-laws of the National Municipal League looking to a general extension of the League's activities, the executive committee on December 28, 1916, passed the following resolution which was approved by the council on April 10, 1917:

> Whereas, municipal progress is reaching the point where it is increasingly embarrassed by the relative backwardness of state and county government.
>
> *Resolved*, that the League shall hereafter devote such time and attention as may be practicable to the problems of state and county government.

In accordance with this resolution, the programs of the annual meetings of the League have been planned to include county and state government within their scope. For example, the program for the twenty-eighth annual meeting at Philadelphia held on November 22–24, 1922, included the following:

Pennsylvania Under the Microscope

1. System of state education
2. The administration of charities and corrections
3. Pennsylvania road system

New Standards of Public Employment

1. The Wisconsin idea of personnel administration
2. Civil service from the viewpoint of the administrator
3. Progress in selective tests in public employment
4. Report of committee on new standards of municipal employment

Problem of Criminal Justice

1. Deficiencies in criminal justice
2. Detroit succeeds under a new organization
3. How Cleveland is cashing in on its crime survey

Our National Budget

1. A business man's viewpoint of the budget
2. How the new budget operates
3. The controller general and his opportunities

Reporting Government

1. The other side of the budget
2. Informing people about their government
3. Municipal exhibits

What's the Matter with Congress?

1. A criticism of congressional procedure
2. How Congress transacts its business
3. Proposal for legislative leadership

These topics, with the exception of "Our National Budget" and "What's the Matter with Congress?" deal with city, county, and state government, or all three, and are obviously within the meaning of the resolution of April 10, 1917. However, criticism has arisen because two sessions out of six related directly to Federal matters and only indirectly to local or state government. As a result, a resolution was adopted by a mail referendum on December 20, 1922, as follows:

> *Resolved,* that a committee of five be appointed by the president of the League to consider and report upon the relative attention which should be given at future meetings of the organization to municipal affairs on one hand, and to state and national affairs on the other.

In compliance with this resolution, the president of the League appointed a committee of the following persons:

Prof. John A. Fairlie, University of Illinois
Mayo Fessler, City Club of Chicago
Prof. Charles E. Merriam, University of Chicago
Hon. Morton D. Hull, Chicago.
Lent D. Upson, Detroit Bureau of Governmental Research

The secretary of the National Municipal League has submitted a series of questions, based upon individual conversations with members of the committee, to guide the committee in its consideration. The questions with epitomized replies of the committee are as follows:

1. With respect to the proportion of attention devoted to state and national governments, did the Philadelphia program violate the spirit of the resolution adopted by the Executive Committee on December 28, 1916, and approved by the council on April 10, 1917?

> The committee believes that the program was somewhat overbalanced by devoting two of six sessions to a discussion of Federal questions, even though secondarily related to local problems.

2. Is it in accord with the above resolution to give place on the program to discussions of federal questions which are similar in form to those existing in municipal and state government?

> The committee believes that there is no reason why such departure in a moderate degree may not be made, particularly if it secures men of prominence as speakers.

3. Will larger groups be attracted to our meetings by limiting discussion to municipal subjects with little or no attention to county and state matters? In particular, can we persuade larger numbers of city officials to attend without doing injustice to those old members of the League who regularly attend our meetings? If so, how?

> The committee has not believed that limiting the programs to purely municipal matters will increase attendance, and feels that county affairs should certainly be discussed along with such state problems as bear on local questions, or are of substantial concern.

4. Do you favor the proposal that the National Municipal League and the Governmental Research Conference hold their meetings jointly instead of separately as at present?

> The committee urges that such combined meeting be held, and that the American Political Science Association be included if that can be arranged.

5. What is the proper ratio on the program between municipal, county and state subjects?

> The committee believes that fully one half of the program should be centered on municipal government, the balance to be divided to county, state, and Federal questions, with the reservation that this recommended division may be modified in event of the Governmental Research Conference meeting with the League, and providing an independent program limited to municipal matters.

6. How far should local desires, which may modify the above ratio, be followed in deciding program topics?

> The committee believes that local desires should modify the general rule, but only to a limited extent.

In summary, your committee reports that it finds a small overemphasis given to state and national affairs at the recent Philadelphia meeting, although this finding should not imply that these subjects should not be discussed, particularly when they have a bearing upon local questions; that possibly one half of the program should, in the future, be devoted to purely urban problems, leaving the other half to be distributed between county, state, and national questions; that it is highly desirable that the National Municipal League and the Governmental Research Conference meet jointly with some equitable division of time between them, and that the emphasis of the League program should be modified by the nature of the program of the Governmental Research Conference; that some respect should, of course, be paid to local wishes in arranging the program, but not so extensively as to restrict nation-wide interest; and that these findings are in no way meant as a reflection upon the judgment of the program committee in charge of the Philadelphia program or upon the secretary of the League, and are set forth only as a suggestion to future program committees and the secretary in formulating League programs.

Respectfully submitted,
LENT D. UPSON,
Chairman.

BUREAU OF PUBLIC PERSONNEL ADMINISTRATION

A CO-OPERATIVE ORGANIZATION TO IMPROVE PUBLIC SERVICE

BY W. F. WILLOUGHBY
Director, Institute for Government Research, Washington

FOR years the civil service commissions of the country have felt the need of a central organization to assist them in keeping in touch with each other's activities and to aid them in working out the many technical problems they have to meet. Following several years of effort on the part of civil service administrators success has finally been achieved in providing such an organization. The new organization is known as the Bureau of Public Personnel Administration and is attached to the Institute for Government Research, the director of the latter institution serving ex officio as the director of the new Bureau. Provision for the financial support of the Bureau has been secured for a period of three years and it is expected that little difficulty will be encountered for its continued support thereafter.

PLAN OF ORGANIZATION

Though the Bureau is attached to the Institute for Government Research, it will maintain its separate identity and will be under the general direction of a special advisory board of five which has been established with power to pass upon and approve or reject proposals for activities undertaken, to review in manuscript formal reports and publications, and to approve or reject staff nominations. This advisory board consists of William Gorham Rice, chairman of the New York state civil service commission and Charles P. Messick, chief examiner and secretary of the New

Jersey civil service commission, both designated by the Assembly of Civil Service Commissions; George R. Wales, of the United States civil service commission, designated by that commission; Richard H. Dana, president of the National Civil Service Reform League, designated by that organization; and Robert M. Yerkes, chairman of the research information service of the National Research Council, designated by that body. The advisory board is so chosen as to be representative not only of civil service administrators but also of those interested in the improvement and extension of the merit system and of those organized for the purpose of encouraging the use of scientific research methods in the study of public personnel problems.

THE PURPOSES

More specifically the purposes of the Bureau as they have been formulated are:

1. To serve as a clearing house for existing information relating to personnel administration in the public service, national, state, county, and local.
2. To develop and improve methods of personnel administration through the conduct of original investigations and experiments.
3. To publish the results of its work in such form as experience may demonstrate to be most effective for the improvement of the personnel administration of the public service.

The Bureau has begun work and is now collecting the data needed both for its clearing house service and for the special studies that it will undertake. The scope of its work may perhaps best be indicated by a brief description of work now under way. Obviously the first activity has of necessity been to secure from civil service commissions definite information as to the laws and rules under which they operate, the appropriations made for their work, the organization of their staffs, the forms they use, the tests they are holding, and the manner in which they handle their various transactions. A considerable amount of material has already been gathered and classified so as to be available for instant use in answer to requests made by any commission for specific information or advice. This material also serves as the basis for several studies now under way or to be undertaken later.

IMPROVED TESTS

Such an organization as the Bureau of Public Personnel Administration must, of course, devote much of its attention to the improvement of civil service tests. The first studies concerning tests naturally deal with those regarding which civil service administrators are not now fully satisfied and where the chance for betterment are considerable. Among the studies now under way are a comparative study of police tests, a study of clerical tests, intelligence tests, a study of stenographer-secretary tests, objective examination methods particularly as developed and used by psychologists, graphic methods of determining the value of tests, the development of performance and picture trade tests for use in selecting employees in the skilled and semi-skilled trade groups, the stencil method of rating test papers, the principles of oral tests, the key word principle in oral tests, and the reliability and validity of tests. In carrying on these studies the co-operation of a number of city, state, and federal civil service commissions has been secured and the data that commissions have already accumulated are being made use of to the fullest possible extent.

Following visits of staff members to a number of commissions in the eastern part of the country and an analysis of the data collected, a number of studies relating to civil service procedure have been started. These deal with such matters as announcing and advertising tests, making certifications, checking payrolls, establishing and maintaining general and special files, and the use of visible indexes and other labor-saving devices.

EDUCATION EQUIVALENTS

Another kind of study which the Bureau will undertake as soon as some of the more pressing problems are out of the way is the determination of the equivalent of a high school and a college education. This is a problem that confronts civil service administrators at almost every turn and in addition is of great interest to educators. There is no assurance that such equivalents can be determined without reference to professional and technical courses, even though it is known that some persons with superior mentality, through their reading and experience, have the same mental maturity as is ordinarily acquired through high school and college training, while others who have had the formal educational courses fail to show the mental maturity which might reasonably be expected from their training. Nevertheless an attempt will be made to work out tests which, without reference to any particular school subject, will be such as to show that persons taking them either do or do not possess a certain degree of mental maturity.

A number of other studies have been planned but the requests for assistance on particular problems from civil-service commissions, in connection with the studies now under way, will probably require the full time of the staff members during most of the remainder of 1923. The co-operation of civil service commissions in the studies undertaken and their prompt responses to requests for data are very gratifying to those who worked for several years to establish such an organization as the Bureau. The number of requests for assistance already received from both strong and weak commissions is ample evidence that the new organization fills a long-felt need.

BETTER HOMES WEEK[1]

BY JOHN M. GRIES

Chief Division of Building and Housing Department of Commerce

Better Homes Week will be here in June. Read about the one in 1922 and how to make the next one a success in your town. Last year 961 communities put on demonstrations. :: :: :: :: ::

More than five hundred communities provided demonstration houses for public inspection during Better Homes Week in October, 1922. These communities were scattered throughout every section of the country, from New Haven, Connecticut, to Tucson, Arizona; from Spokane, Washington, to St. Helena Island, South Carolina; and from Port Huron, Michigan, to Biloxi, Mississippi. In all, several hundred thousand people visited these houses and saw what better housing means.

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[1] Contributed at the request of the American Civic Association.

As a rule these houses were well chosen to illustrate better housing conditions and improved designs. They were furnished and supplied with household equipment. The time between the announcement and the actual demonstration during Better Homes Week was very short so that it was difficult to obtain the houses which would best lend themselves to a demonstration. With few exceptions the cost of the houses ranged between $4,000 and $15,000. In most communities an earnest effort was made to maintain a reasonable balance between the cost of the house, the cost of the various items of furniture, and the cost of the equipment. In a few communities, however, the good effects of the demonstration were largely lost because some group succeeded in overemphasizing its part.

The educational value of these demonstration houses was well worth the effort put forth. Both by example and by discussion the importance of good light and ventilation, satisfactory floor plans, durable material, and good workmanship, was brought home to thousands of families; as well as the value of open spaces around the house, and the arrangement of the kitchen to save unnecessary steps.

With the importance of the home, it is fitting that we observe a Better Homes Week; and that all communities afford their people an opportunity to see a small, well-equipped home which the average citizen can afford to live in or to own. The demonstration must be educational, never purely commercial. It seems impossible to present a well-balanced home at modest cost if the demonstration is controlled by one or a few commercial groups only. To be successful it requires the co-operation of the civic, philanthropic and business interests of the community.

The prime mover in last year's effort was Mrs. William B. Meloney, editor of the *Delineator*. The 1922 plan was initiated during the summer and put through at a time when many of the people who would handle the demonstrations were away on vacations. For this reason a number of communities that were in hearty sympathy with the movement were unable to take part. This year the announcement has been made several months in advance of the date set, June 4 to June 10.

Last year the movement had the endorsement of President Harding, Vice-President Coolidge, Secretary Hoover, Secretary Wallace, Secretary Davis, and other federal officials. It was also endorsed by more than thirty governors of states.

An advisory council of seventeen was selected to serve in an advisory capacity, to pass upon policies, to see that the work was educational in character, and that the objects should be attained. The advisory council consisted of the following:

Calvin Coolidge, vice-president;
Herbert Hoover, secretary of commerce;
Henry C. Wallace, secretary of agriculture;
James John Davis, secretary of labor;
Dr. Hugh S. Cumming, surgeon-general, U. S. public health service;
Dr. John James Tigert, U. S. commissioner of education;
C. W. Pugsley, assistant secretary of agriculture:
John M. Gries, chief, division of building and housing;
Julius H. Barnes, president, Chamber of Commerce of the U. S.;
John Ihlder, manager, civic development department, Chamber of Commerce of the U. S.;
Donn Barber, fellow, American Institute of Architects;

John Barton Payne, chairman, central committee, American Red Cross;

Livingston Farrand, chairman, National Health Council;

Mrs. Thomas G. Winter, president general, Federation of Women's Clubs;

Mrs. Lena Lake Forrest, president, National Federation of Business and Professional Women's Clubs;

Mrs. Charles Schuttler, chairman, woman's division, Federation of Farm and Home Bureaus; and

Mrs. Clara Sears Taylor, director of the rent commission, District of Columbia.

While Better Homes Week had the endorsement of national and state officials, and the heads of national associations of social, philanthropic, and business interests, the success of the movement depended upon the various local communities. Either through a selfish or social interest everybody is interested in better homes. Many communities showed a surprising public spirit—sometimes more than seventy different organizations joined in an effort to present a furnished house so that all could learn more about what a well-arranged and furnished house should be.

In some of the larger cities two houses were used. In this way more people can be reached. One house may aid greatly the families with incomes ranging from $1,500 to $2,500; and the other be of great interest to those with incomes ranging from $2,500 to $5,000. These income figures may be varied with the communities.

In the smaller cities one house is enough. The cost of the house and furnishings should be in keeping with the possibilities of the community. While the house and furnishings should probably be superior to that which most families can afford, it should not be too far beyond their reach. Otherwise it will tend to discourage, and lose much of its effective educational value.

Better housing includes so much that no single demonstration can completely cover all phases of the problem. While the entire demonstration should be sound from a housing standpoint, special emphasis can be directed towards that which the local community needs most. In no demonstration can the health features be neglected. Light and air are essential and no house should be used as a demonstration without adequate light and air. In some houses the emphasis was placed on the open space surrounding the house, in others the floor space of the house, in others the kitchen, while in others it was the color scheme, the furniture, and the lighting. All of these features may be emphasized but not so far that the visitor gets a distorted idea of a well-balanced budget for himself.

A plan book was prepared which served as a guide to the various committees organized in the cities. It covered the organization, selection of the house, house plans, the furniture, decorations, programs. Many new ideas were presented by visitors as well as demonstrators. Some of these were embodied in the new plan book which has been prepared for the coming demonstration, under the direction of Mrs. William B. Meloney, 223 Spring Street, New York City.

THE NATIONAL MUNICIPAL LEAGUE IN RETROSPECT AND PROSPECT

BY CLINTON ROGERS WOODRUFF

Address before the Annual Dinner of the National Municipal League, Wednesday, November 22, 1922. :: :: :: :: :: ::

PHILADELPHIA, the cradle of American liberty, was likewise the birthplace and the cradle, nay more for a quarter of a century the home of the National Municipal League. Twenty-eight years have come and gone since the League was organized in this city. They have been filled with unceasing activities in behalf of the welfare, yes, I may say "the higher welfare of American cities."

I

At the beginning we were filled with indignation that we merited the scathing indictment of that sincere friend of America, the lamented and the revered James Bryce. For once, at least, our indignation was directed at the cause, rather than at the revealer. We did not hold him responsible for what his searchlight of inquiry revealed. We felt the truth of the indictment and set about putting our houses in better order.

After several years of painstaking endeavor to ascertain what were the underlying causes of our troubles, came the steps towards a constructive program—the formulation of the first "Municipal Program," founded upon the principle that the individual municipality should be freed from the shackles of state domination and given liberty to deal in its own way with matters that are its own peculiar concern, to determine the details of its own housekeeping, so that each city under its own roof could live its own life, develop its own policy, mold its own character, in short the program embodied real municipal home rule.

Details were filled in from year to year and then came the formulation of the New Municipal Program embodying the developments of the generation and establishing the prototype of efficient municipal framework —the city-manager form of government.

Coincident with this constructive work of the first quarter of century of our life there was an unremitting insistence upon the duties of citizenship. It was all very well to work out a model framework, but if it was to be used by an indifferent or sluggish community, the real progress would be slight. Real self-government is not a matter of form, it is a matter of habit, of instinct, of soul. No alchemy of a program can take the place of the self-governing instinct. No form of municipal perpetual motion has been devised as a substitute for the patient, everyday discharge of the personal duties of citizenship.

II

I know there are those who will call this obvious, self-evident, platitudinous. That may be true, but until it becomes the settled habit of a community, those who are concerned in its welfare will overlook it at their peril. And right here may I utter a word of caution—avoid professionalism. In the early days of the League and I sometimes feel they were the most fruitful, certainly in arousing public interest, there were no salaried officials, the budget was small, but the sincere co-operation of men and women devoted to the cause produced results of far-reaching significance.

Another word of caution is: Avoid superior airs, avoid holding aloof. Above all things keep in touch with the people, the common people. Here the practical politician teaches us a lesson we greatly need to learn.

Not long since the retiring United States Senator from Mississippi said that "the fellow who refers to sentiment contemptuously and who wants to find dollars, shillings and pence in every proposition that he can present to the public is not worthy of other men's admiration," and he might have added, "nor worthy of their emulation." We need more sentiment in our public work, more sentiment in our work for the public.

I have been deeply impressed by the frequency with which I have seen these glowing words of Temple Scott, printed and reprinted in civic publications. At the risk of reiteration I repeat them:

> The picture once painted or the poem sung, it stands henceforth by itself; the artist can do no more for it. It must live or die without further help from him. But the city is never thus entirely separated from us, its builders. It remains tied to us by the invisible cord of nourishing passions. It grows with us or it dies with us. It is in a more real and personal sense a part of us, as we are of it. It becomes then the reflex of the lives and aspirations of the people who dwell in it. So that a city—its streets, its highways, its buildings, its public places, as well as its business and life—is an embodiment of ourselves. It is this living spirit that may hearten and inspire us; that may delight and enchant us and that may also break and destroy us.

Let us adopt this conception of the city during the coming years. Let us, while giving all due heed to forms and details, lend our energies and activities to developing the content of our city. Let our city be known as "the city that serves." The highest duty of the city is the cause of humanity and therein lies the future of our League. As was recently said, "The government of a people actuated by nothing higher than grossly material considerations—the monetary and the selfish values—faces extinction by moral collapse."

Our outstanding policy of the first quarter of a century was the policy of appreciation as opposed to the policy of depreciation. We sought the good and emphasized it. When we saw the bad we sought to put something better in its place. Who was it that said: "I know two men, one of whom is very happy and one of whom is very miserable. The essential difference between them is that one loves the beauty of the world and the other hates its ugliness."

III

There are many distinctive and individual planks to be inserted in a New Municipal Program, but it has not been my purpose to enumerate them in this connection. I have sought rather to suggest certain tendencies and certain fundamentals. For I believe as Rosenthal has put it that "in order to know the soul of a city, instead of looking upon it from the outside, it is necessary to sympathize, to examine as a physiologist would examine and to push the analysis to the moment when one seizes the secret of its life. When one has felt the pulsing of its heart and of its arteries, then one can truly judge it. The public squares, the monuments, the streets, and the parks, appear to us, then, for what they really are,—as organs that are articulated or disjointed, discordant or harmonious. We are pleased by unity and displeased by a lack of coherence. We desire a perfect adaptation of means to ends and, in truth, from such adaptation should spring the essential beauty of the city."

And the end is to build up useful, helpful, happy citizens at all times interested in the public welfare and willing to work for its promotion and perpetuation. As the Los Angeles City Club maintains: good men, if uninformed, misinformed, or misguided, often cause a lot of mischief. Goodness alone cannot prevent bad government or insure good government. Ignorance, poverty, sickness and injustice are largely responsible for vice and sin. The forces that cause or aggravate ignorance, poverty, sickness and injustice are increasingly social rather than personal. Any successful attack upon vice and sin must therefore mobilize such forces as education, employment, sanitation, recreation, food and water supply, proper housing and eugenics. The one agency, the Club declares, through which the community as a whole can act is the government — municipal, state and national.

Government waste and inefficiency are mainly due to poor organization, defective equipment, narrow-gauge policy, and bad management, rather than to dishonesty or wicked intention, and herein is where the question of machinery becomes pertinent.

By reason of such waste and inefficiency, municipal, state and national governments are causing or permitting more ignorance, sickness, poverty, misery and vice than all other social agencies combined can cure—unless they work through and upon the government and utilize its vast resources, or to put it in the words of the Mayor of Manchester:

> The growth of municipal responsibilities illustrates the irresistible drift of public affairs. The democratic ideal is being worked out through municipalities. For what are free libraries, art galleries, baths, parks, technical schools, tramways but community efforts? We need some stimulus to quicken our sense of the value of mutual helpfulness. Some day men and women will awake to the immense possibilities of corporate action; and the community will find salvation, not in the patronage and gifts of the wealthy, but in the combined and intelligent efforts of the people themselves.

THE TOLEDO COMMISSION OF PUBLICITY AND EFFICIENCY

BY C. A. CROSSER

Secretary of the Commission

A combination reference library and research bureau for government and people. :: :: :: :: :: :: :: :: ::

The Publicity and Efficiency Commission of the city of Toledo combines the following functions:

1. Municipal reference library.
2. Governmental research bureau.
3. Information office on city statistics.
4. Official printer and repository of city reports and records.
5. Laboratory for Toledo University and high school civics class pupils.
6. Publishers of the Toledo *City Journal*, official organ of the municipality, which contains "fact" articles on current legislation, council proceedings, legislation, various departmental reports and legal advertisements.

The commission is performing some of these functions well and some not so thoroughly because of a lack of adequate facilities but, borrowing the maxim of Coué, it is becoming more and more effective daily. All of the above functions were not laid out for the commission with its inception in the 1916 charter. They have been taken on from time to time as the need arose, but they come within the powers given the commission by the charter.

Here are the duties of the commission as provided in the charter:

> 1. To investigate any and all departments in order to determine the degree of efficiency with which public service is being rendered.
>
> 2. To recommend to members of council and other officers, methods, devices and systems by which in the judgment of the commission, the business of the city could be transacted with greater economy and efficiency.
>
> 3. To acquire and record information it may collect touching on the betterment of civic conditions and the development of improved and economical municipal administration elsewhere and to embody such data in its reports and recommendations, and publish same in the *City Journal*.
>
> 4. To edit, print and distribute all municipal records, reports and documents including an annual summary of the work of the administrative departments.
>
> 5. To collect and supply information for all officers and departments and to acquire for any officer at his request, information concerning any matter of interest within the scope of his official duties and to advise with such officer concerning same.

In several ways the commission has not entirely fulfilled the high anticipations of the framers of the charter. It was expected that taxpayers, ever complaining about high taxes, would subscribe by the tens of thousands to the *City Journal*, the municipal publication which would show them how their money was being spent and recommend economies. In spite of a vigorous circulation campaign, the subscription list since 1916 never has exceeded two thousand. In the last two years it has been gaining steadily due to a rising wave of civic interest developed through the neighborhood welfare and commercial organizations.

SPECIAL STUDIES

With the limited facilities at its disposal, the commission on its own initiative and at the request of department heads has made a number of special studies. Notable among these were: intercepting sewer system, welfare workhouse farm, city-owned automobiles, municipal court, crime survey, investigation of the health department, and study of the parole system. Besides these many minor studies have been made which have appeared in the *City Journal* from time to time.

Among the special studies made in 1922 were: zoölogical gardens, municipal auditoriums, power charges for high pressure fire stations, telephone rates in other cities, history of the civic center and city hall projects, survey of local grade crossing problem, curb gasoline stations and building inspection fees and license rates.

The secretary of the commission assisted the captain of the police traffic bureau in drafting a suggested traffic ordinance which embodies the latest safety measures. The commission classified the suggestions on traffic that came in letters from the public.

In the last three years, several important studies which should have come under the commission were done under the direction of the departments particularly affected. These surveys lost some of their effectiveness with council which interpreted administrative bias which might not have occurred had they been done by the commission.

A BENEFIT TO CITY OFFICIALS

It may be seen from the foregoing that most of the reports and surveys have been "information studies" which have attempted to enlighten members of council and administrative officers. A number of recommendations made by the commission in these reports have been adopted, but this body has not yet attempted to "put across" any sweeping reform. It feels that it has not yet come to its full strength when it would stand more of a chance of success.

So the main effort of the commission in the last few years has been along educational lines. It has aimed to get the confidence of city officials and to make them see the benefits that they could get from this bureau. It aimed to demonstrate to the general public its impartiality and the cold authenticity of its work. Its progress to the present may be measured by the fact that in 1916 (the year of its creation) council refused to appropriate funds to pay the salary of a secretary, but such appropriation is now made regularly. When this educational period has been crossed, and the confidence of council in the commission established, this body will be able to pursue a more aggressive policy of recommending definite improvements in the municipal fabric. This period seems to be near at hand.

One of the chief values of this commission from the standpoint of the public lies in the authority conferred on it by the charter of conducting an investigation of any department, should the necessity arise. Such action would only be limited by the fund for such an investigation that council might be induced to appropriate.

The commission was created in 1916 under the provisions of the new charter. Five commissioners who serve without compensation are appointed by the mayor. One term expires yearly, which removes it from election patronage. The paid secretary and a stenographic clerk complete the staff. The full commission meets monthly.

Wendell F. Johnson, now assistant

superintendent of the Toledo Social Service Federation, was secretary of this commission from 1917 until 1922. He was succeeded by the writer whose only qualifications were newspaper experience and intense interest in municipal affairs.

FIRST AID TO COUNCIL

It is a fact that there is not a council meeting when one or more council members does not appear armed with some fact or figure that has been supplied him by the Commission of Publicity and Efficiency. Sometimes the councilmen ask for it, but as frequently the data comes unsolicited from the commission and it is always appreciated.

In 1922 the commission whipped into shape and drafted 14 special reports by council subcommittees including those on smoke prevention, dance hall regulation, salary revision, safety building, professional bondsmen and similar matters.

Practically every one of the 52 issues of the *City Journal* in 1922 carried leading articles presenting the salient facts on the most important items of legislation then before council for consideration, anticipating the next meeting. These articles were written in an unbiased news vein and consisted of digests of material on hand in the reference library or the main arguments for and against the matter advanced at committee hearings.

Generally it appears that the most effective work may be done with the legislative body. Assistance is more welcomed by councilmen than by department heads who usually prefer to conduct their own investigations, possibly in order that they may control the conclusions. Furthermore it is in council that laws are made, it is here that they are tested in the light of the experience of other places and it is here that the arguments from both sides are weighed and sifted before they are finally passed.

AVENUES OF INFLUENCE

Naturally the penalty for quiet functioning behind the scenes has been a lack of knowledge of this bureau by the public. But in the last two years, close contact has been established with different neighborhood commercial and welfare organizations. At the present time, these small commercial clubs form the best avenue for reaching the public. The commission keeps their civic committees informed as to the progress of legislation affecting their vicinities.

Civics and municipal government classes from the high schools and the University of Toledo obtain much of their data for their topics from the reference library. Prof. O. Garfield Jones of the University of Toledo requires his municipal government students to read up on their topics in the office of the commission before they interview city officials. His advanced students are making studies that are particularly desired by council at this time and which are being done under the supervision of Professor Jones and the secretary of the commission.

Although a municipal reference library for the Commission of Publicity and Efficiency was not specifically contemplated by the framers of the charter, the character of the work of this office made the building up of such a library a necessity. More than 3,700 clippings were filed in 1922 including items from local newspapers, items from other municipal publications, annual reports and ordinances. This library continually is being referred to by city officials, particularly to ascertain the experiences and methods of other cities.

The commission has developed a

minor activity that is coming to be appreciated by officials. Many of these turn over to the commission the questionnaires which they receive from time to time. Generally the commission has the desired data which the bureau head may not have at hand. This relieves the latter of much work and at the same time insures carefully prepared returns.

It would seem that two factors are necessary for the effective functioning of a combination governmental reference library and research bureau—"sticking around" at all council and committee meetings to get acquainted with councilmen and gain their confidence and perceive first-hand what studies are needed, and to make these studies of practical service by completing them speedily as well as thoroughly before the issues become dead by being tabled or through a lapse of public interest.

COMMENTARY UPON THE COMPARATIVE BONDED DEBT OF THIRTY-SIX CITIES AS OF JANUARY 1, 1923

BY C. E. RIGHTOR

Of the Detroit Bureau of Governmental Research

To furnish certain general information about the bonded indebtedness of our largest cities, the Detroit Bureau of Governmental Research, through the cöoperation of the Governmental Research Conference and city officials throughout the country, has compiled these data for 36 of the largest cities.

The Committee on Non-Partisan Facts of the Institute for Public Service, New York City, reports that the bonded debt of our municipalities and states is over eleven billion dollars, and that a billion and a quarter of this amount were issued during the year 1922. When these facts are commonly known, and their significance appreciated, greater interest and watchfulness of public debt will be manifested.

The tabulation shows the gross amount of bonds outstanding as issued by each city, by classes of general, school, utility, and miscellaneous, except special assessments; the amount of sinking fund for such classes of bonds; and the net debt upon this basis. The per capita net debt and ranking of the cities are then given. The information is as of January 1, 1923, unless noted otherwise.

The tabulation is not concerned with state laws providing exemptions of certain issues of a city in computing its debt. Practices among the states are not uniform, and sometimes are absurd. Neither does it differentiate between whether the bonds were issued for a revenue-producing activity, or otherwise.

It has been suggested that special assessment bonds should be included as a part of the city's bonded debt. While it is recognized that such bonds are a liability of the city, they are short term bonds, usually offset in whole or in part by special assessments against the benefited or abutting property, and by law are omitted in calculations of the bonded debt. We omit any consideration of them.

Because of these conditions, there is no attempt made to have the resulting figures agree with official records of any city. It is desired only that they shall be correct as to the *total* by classes as above indicated, and are, therefore, *bonds outstanding in the name of the city.*

So condensed a compilation can record only totals, and it must be appreciated that only limited conclusions may be reached from the figures alone. A knowledge of conditions is necessary in each case. It is submitted that the most important desiderata relative to municipal debt are: First, that the bonds were issued for necessary public purposes; second, that the proceeds were economically expended; and third, that proper provision is being made for amortizing the bonds. The figures on debt do not afford this information.

Because a city shows a high per capita debt, there is no reflection against the city's financial policy or the capacity of its fiscal officers. A large part of the total debt may be for self-supporting investments, as Cincinnati's railway bonds of $20,000,000, or the water works in many of the cities listed. However, should the railroad or water works be wiped out by flood, fire or other cause, such city would continue to be back of the bonds.

Detroit is not to be condemned in its financial policy because during the past three years Controller Steffens has issued over $115,000,000 in bonds, $47,000,000 of this amount since January 1, 1922.

In noting Baltimore's debt, we cannot ignore the fact that the city receives revenues from its electrical conduits, and its wharves and docks. This condition, similarly, obtains in all the cities for most of those issues noted herein as "miscellaneous," as well as the several classes of utility bonds.

In the case of Boston, we must reflect that the property values back of the city and county debt are liable in major part for the Metropolitan District park, sewer, and water bonds amounting to several million dollars.

Toronto's debt may be classed as heavy, but examination discloses that the extensive investments in street railway, hydro-electric system, waterworks, and other utilities are self-sustaining.

Possibly the low debt of St. Louis means its public improvement program has been retarded,—at any event, in February (1923) the people voted bond issues of $87,372,500 for sewers and sanitation purposes, streets, lighting, hospitals, playgrounds, memorial plaza, auditorium, and water works.

Dayton is not to be condemned because, while its indebtedness is being reduced, its school district (the school district in Ohio is a separate political unit) has a small sinking fund, and because the property of that city has a burden of flood prevention bonds issued by the Miami Conservancy District (nine counties), in addition to the ordinary indebtedness.

That there is a relation between debt and the tax rate is apparent from examining these figures for Chicago and Norfolk, as examples. Chicago has a relatively small debt, due to a long established principle of building schools upon a "pay-as-you-go" basis—out of taxes—which makes the tax rate relatively high. Norfolk, however, enjoys a low tax rate, but its indebtedness is the highest of the cities listed, except for the Canadian cities. Denver is notable for its unusually low debt for general municipal purposes.

Omitting Washington with a per capita debt of 36 cents (this debt is the remainder of some 3.65 per cent bonds issued in 1874), the range in per capita debt is from $16.79 for St. Louis to

$206.60 for Norfolk, and $217.46 for Montreal. The average per capita debt is $103.40, and the median city, Pittsburgh, has a per capita debt of $93.03.

Obviously, the data presented are not as exhaustive as in the census bureau's *Financial Statistics of Cities*. On the other hand, the figures are more nearly current, and include the data for eleven cities omitted from the census bureau's reports for 1921. The omission of the financial data of 70 cities out of 253, in *Financial Statistics for Cities* for 1921 is deplored by the many who would use these data of our growing cities, with their increasingly complex financial problems,—by public officials, citizens, taxpayers, factory owners, bond buyers, students,—and is the result of an unfortunate application of economy by some Federal officials. This matter, however, is apart from this compilation.

If these figures of debt are of value, for the purposes indicated, their compilation is justified. This is the third annual compilation by the Detroit Bureau, and if there are any corrections, we hope that they will be called to our attention before future publications. Unfortunately, data were not received from four large cities,—Los Angeles, New Orleans, Jersey City, and Oakland,—but it is hoped to include them henceforth.

COMPARATIVE BONDED DEBT OF THIRTY-SIX CITIES, AS OF JANUARY 1, 1923

Compiled by the Detroit Bureau of Governmental Research, Inc.

From Data Furnished by Members of the Governmental Research Conference, and City Officials

(Cents Omitted)

City	Census 1920	General Bonds	School Bonds	Public Utility Bonds	Miscellaneous Bonds	Gross Total Bonded Debt	Sinking Fund	Net Total Bonded Debt	Per Capita Net Debt	Rank
New York[1]	5,621,151	....	....	....	....	$1,730,160,385	$644,563,884	$1,085,596,501	$193.13	4
Chicago[2]	2,701,705	$107,858,300	$100,000	$5,395,500	....	113,353,800	736,000	112,617,800	41.68	32
Philadelphia[3]	1,823,779	165,625,214	25,776,500	58,763,836	....	250,165,550	54,859,535	195,306,015	107.09	14
Detroit[4]	993,739	62,377,216	36,693,600	43,089,114	....	142,159,930	10,429,274	131,730,656	132.56	9
Cleveland[5]	796,836	69,580,524	28,425,000	25,096,000	....	123,101,524	15,249,595	107,851,929	135.35	7
St. Louis	772,897	17,350,000	3,000,000	2,617,000	....	22,967,000	9,995,000	12,972,000	16.79	35
Boston[6]	748,060	70,953,001	15,912,500	651,350	$39,123,700	126,640,551	42,599,632	84,040,919	112.34	11
Baltimore[7]	733,926	72,517,219	7,463,550	20,789,370	16,657,740	117,427,879	37,517,342	79,910,537	108.89	12
Pittsburgh	588,193	35,924,100	13,571,100	8,706,700	....	58,201,900	3,481,200	54,720,700	93.03	19
San Francisco	508,410	23,045,300	7,055,000	40,908,100	....	71,008,400	2,513,600	68,494,800	134.72	8
Buffalo	506,775	23,068,537	15,146,500	13,376,585	....	51,591,022	5,391,560	46,200,062	91.16	20
Milwaukee	457,147	18,786,750	6,893,750	2,070,000	....	27,750,500	3,478,923	24,271,577	53.09	29
Washington	437,571	4,701,200	....	....	....	4,701,200	4,544,872	156,328	0.36	36
Newark	415,609	33,489,500	12,331,200	10,463,000	....	56,283,700	12,537,688	43,746,012	105.25	16
Cincinnati[8]	401,247	54,850,551	8,928,550	15,002,130	21,332,000	100,113,231	23,796,745	76,316,486	190.20	5
Minneapolis	380,582	19,775,606	15,806,500	1,930,000	....	37,512,106	3,012,434	34,499,672	90.65	21
Kansas City, Missouri[9]	324,410	8,031,000	10,791,000	2,861,000	....	21,683,000	6,169,785	15,513,215	47.82	31
Seattle[10]	315,652	15,626,400	9,592,000	29,926,100	....	55,144,500	572,058	54,572,442	172.89	6
Indianapolis	314,194	9,851,100	8,413,750	....	....	18,264,850	1,033,262	17,231,588	54.84	28
Rochester	295,750	9,844,000	8,055,020	10,817,000	....	28,716,020	3,032,917	25,683,103	86.84	24
Portland[11]	258,288	7,275,500	328,500	8,788,000	11,854,200	28,246,200	2,855,148	25,391,052	98.30	17
Denver	256,369	260,000	8,500,000	14,023,600	....	22,783,600	136,596	22,647,004	88.33	23
Toledo	243,109	18,846,969	10,561,000	2,125,000	....	31,532,969	5,713,660	25,819,309	106.20	15
Providence	237,595	16,213,000	4,447,000	8,132,000	....	28,792,000	13,305,510	15,486,490	65.18	27
Columbus	237,031	17,245,316	7,505,000	7,716,500	....	32,466,816	9,257,493	23,209,323	97.91	18
Louisville	234,891	10,995,500	1,966,400	1,079,000	....	14,040,900	2,080,975	11,959,925	50.92	30
St. Paul	234,595	10,628,000	4,001,000	3,407,000	....	18,036,000	1,535,379	16,500,621	70.34	26
Akron	208,435	8,326,678	6,104,748	10,200,000	....	24,631,426	2,087,039	22,544,387	108.16	13
Atlanta	200,616	4,217,000	1,860,000	1,917,000	....	7,994,000	2,032,584	5,761,416	28.71	33
Dayton	153,830	7,238,280	3,985,000	2,064,000	....	13,287,280	2,160,296	11,126,984	72.33	25
Grand Rapids	137,634	2,146,600	2,284,100	2,096,000	....	6,526,700	2,623,414	3,903,286	28.36	34
Des Moines	126,468	5,977,859	4,217,700	4,175,000	....	14,370,559	82,975	14,287,584	112.97	10
Norfolk	115,772	11,927,269	3,115,235	12,151,496	....	27,194,000	3,273,070	23,920,930	206.60	3
Duluth	98,917	2,775,000	2,822,000	3,526,000	....	9,123,000	343,310	8,779,690	88.75	22
Toronto, Canada	529,083	58,352,601	22,276,715	64,458,263	....	145,087,579	30,031,848	115,055,731	217.46	1
Montreal[12]	618,506	119,328,069	23,389,052	....	....	142,717,121	13,645,912	129,071,209	208.36	2

NOTE: The cities are arranged in order of population, except Toronto and Montreal. Los Angeles, New Orleans, Jersey City and Oakland were omitted because the data were not furnished.

[1] New York: Debt by classes not available; total includes boroughs and that portion of debt of the counties imposed upon the city in 1898. Deducting bonds exempt from the debt limit, the gross debt was $1,383,954,811.

[2] Chicago: Does not include county or forest preserve district (county) bonds of $24,662,500.

[3] Philadelphia: Includes city and county of Philadelphia; general bonds include all bonds issued for work for which special assessments are levied.

[4] Detroit: Debt as of January 31, 1923. Utility bonds include street railway, which has also contractual notes of purchase of $17,080,000.

[5] Cleveland: School debt as of August 31, 1922.

[6] Boston: Includes debt of county of Suffolk, $1,852,500; Miscellaneous bonds: rapid transit and subway, $39,123,700.

[7] Baltimore: Miscellaneous bonds: electrical conduit, $6,209,740; wharves and docks, $6,185,000; aid to Western Maryland Railroad, $4,263,000.

[8] Cincinnati: Miscellaneous bonds: Cincinnati Southern Railway construction and terminal bonds, $21,332,000.

[9] Kansas City: City debt as of April 17, 1922; school debt as of June 30, 1922.

[10] Seattle: Public utility bonds are not obligations of the city, and principal and interest are payable solely from the revenues.

[11] Portland: Debt as of November 30, 1922. Miscellaneous bonds: port and dock, $11,854,200.

[12] Montreal: Bonded debt as of January 1, 1922; school debt as of June 30, 1921. General bonds include public utility bonds. Schools are under separate control and the municipality is not legally responsible for the school debt.

STATE SUPERVISION OF MUNICIPAL ACCOUNTS[1]

BY WYLIE KILPATRICK
National Institute of Public Administration

"H. Bell" was the unchallenged entry on the payroll of a New Jersey city for four years. And for that length of time a horse—presumably a person surnamed "Bell"—was regularly carried as a salaried employee while the monthly wages were pocketed by a foreman who obligingly signed "H. Bell" on the payroll as a convenience to "one of his gang."

Defalcation and peculation by municipal officers, some no less humorous, have formed the more spectacular reason for state supervision of municipal accounts. Following the enactment of the Indiana accounting law of 1909 it was discovered that in a certain county several officials used rooms in the court house in which to gamble, and when their own funds ran short they issued county warrants in payment of fictitious claims. The pot in one instance must have broken wrong for a player, for one officer filed claims for $425 for fountain pens!

How narrowly the charge of defalcation should be modified by qualifying adjectives or how strongly it should be emphasized is a subject largely covered by a smoke-screen of muddled accounting, court room gossip, and unverified muck-raking. It is well to remember, however, that when the first thorough investigation of municipal accounts is made by a state bureau, numerous embezzlements are almost invariably discovered. During the first year of state inspection in Indiana, $186,044 was recovered of funds improperly diverted from the public treasury. Over $6,000,000 has been recovered in Ohio since the establishment of the state bureau of accounts.

Whatever the extent of financial lawlessness by municipal officials, past or present, their proven dishonesty in certain instances has aroused a public attention to the need for more exact accounting methods and the fixing of responsibility for auditing upon a centralized agency. Spectacular lawlessness—even though it be isolated—has done more to hasten the enactment of state accounting laws than more reasoned briefs of financial policy.

LEGISLATION WITHOUT ADMINISTRATIVE SUPERVISION

The original method of exercising state control over municipal finance was the characteristic solution resorted to by many reformers, the setting up of statutory or constitutional prohibitions against badness on the part of the officers without the use of administrative supervision. The effect of these inhibitions is now recognized. A wilful disobedience at the worst, or a haphazard obedience at the best, followed the passage of state laws governing the accountability of local officers in their financial transactions. When no method of law enforcement or administration was provided, inevitably the observance of the law was optional with municipal officers. Usage and routine in local offices or the precedent of previous officers offered handy alibis to officers who for reasons of their own may have preferred to overlook state laws. The continuous disregard of statutory provisions may, in fact, indicate no wilful disobedience, for the municipal officer may be in the anomalous, though not surprising, position of being unacquainted with state laws expressly designed to govern his duties. If the legal provisions are complex, if no attempt is made to outline and interpret their requirements to him, or if the current session laws are not even available to him, the municipal officer will administer local finance in innocent disregard of contrary laws.

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[1] This article was written as a part of the author's work as a student in the National Institute of Public Administration. The legal provisions forming the basis of discussion have been compiled in tabular form. A number of typewritten copies of this table have been prepared by the New York Bureau of Municipal Research and will be furnished at cost to those interested.

However futile may be laws whose observance is optional in practice, the basic reason prompting state supervision is found to a larger degree in another condition. Can the responsibility of planning a scientific accounting system and establishing a procedure for its operation be placed upon local officers? A vast body of experience proves that a technical duty of this nature requires expert assistance which can be most conveniently provided by a state bureau. A municipal officer, usually elected for a short term and receiving a low salary, seldom has the training which fits him to devise an accounting system. Less frequently has he the time to inaugurate acceptable methods during his short tenure in office. If the standards of procedure are the haphazard precedents of a sundry collection of officeholders who preceded him, the administration of the local officer can hardly be expected to measure up to the requirements of scientific accounting.

SELF-INTEREST DRIVES STATES TOWARD SUPERVISION

Irrespective of any theory as to the desirability of supervising municipal finance, the state finds itself adopting the methods of supervisory control in order to safeguard its own interests. A part, and usually no small part, of the state's revenues are collected by local officers and transferred from city or county treasuries to the state. Dishonest or lax methods by municipalities may be the direct cause of misappropriation or diversion of funds from the state treasury. Equally serious is the indirect effect upon the financial standing of all communities resulting from lawlessness in any one city. The gutting of a town treasury must react adversely upon the credit of neighboring cities. Investors cannot view municipal bonds without suspicion when fraudulent practices are unearthed in even one city of the state.

SUPERVISION STIMULATED BY REPORT OF NATIONAL MUNICIPAL LEAGUE

Wyoming by provision of its state constitution created the office of state examiner in 1890, the year of her admission into the Union. The legislative act of that year defining the duties of the examiner was the first law placed on the statute books of any state providing for adequate state supervision of local accounts.

A number of laws prior to this date pointed the way for the more comprehensive statutes which were passed in following years. Supervisory power over county officers was given the Indiana state auditor in 1852. Inspection of county officers again found expression in law through a Minnesota statute in 1878. Wyoming was the first state to provide for uniform municipal accounting by the law of 1890. Sentiment for adequate state supervision was crystallized in a report before the National Municipal League convention in 1898. Three phases of supervision were recommended: prescribing and installing uniform accounting for municipalities, collecting and publishing comparative statistics, and making inspections of local accounting offices. These three aspects of the proposal have continued to be the cardinal principles around which legislation has been framed in the last twenty-five years.

In a halting manner various states have felt their way towards enacting the program outlined before the National Municipal League. The process in many states has hardly been conscious, the first steps often being taken without recognition that they would lead to complete supervision. Massachusetts is a state in instance. In 1869 the Massachusetts bureau of statistics of labor was started, a bureau with no duties relating to local government. A division of manufacturers was added, and finally, in 1906, the collection of municipal statistics was made a duty of the bureau of statistics.

The broadening of bank examination to include auditing of municipal accounting has been a development in several states. The duties of the public examiner of South Dakota, dating from 1887, included the auditing of banks as well as of state institutions. By 1911, the work of examining banks took the time of the examiner to such a degree that a separate officer, the executive accountant, was created to supervise public accounts, including state institutions. Minnesota illustrates a curious manner of growth of the movement. The 1878 act, previously mentioned, established a public examiner to examine banking institutions as well as state and county offices. The examiner was given partial jurisdiction in 1891 over the accounts of St. Paul, this power being extended to Minneapolis fourteen years later. Not until 1913 was his jurisdiction extended completely over the municipalities of the state.

The collection of taxes has been another angle from which a beginning towards supervision was made. The Wisconsin legislature directed the tax commission to inquire into the methods of municipal accounting and only following this investigation was the 1911 law enacted providing for partial state supervision. A frequent approach to the question has been by state inspection of city or county offices handling state funds. Three states to-day limit the scope of their inspection of local accounts to county officers concerned with state finances, Alabama, Kentucky, and Maryland. A much larger number, seventeen, provide for the inspection of county as well as city or town finances.[1]

After the passage of the Wyoming law, twelve years elapsed before adequate methods of supervisory control found legal expression. Ohio in 1902 established the state bureau of inspection and supervision of public offices. The Ohio bureau in the two following decades continued to be the model after which many laws were patterned. Important enactments followed in more rapid succession. State examiners of public accounts or bureaus of municipal accounts were provided in New York in 1905, Massachusetts and Iowa in 1906, Minnesota in 1907, and Indiana in 1909. Nearly every succeeding biennium has witnessed the passage of one or more state laws. The legislatures of New Jersey, New Hampshire, and New Mexico in 1921 made revisions of their accounting methods which are among the latest laws extending the scope of state supervision.

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[1] Indiana, Louisiana, Minnesota, Mississippi, Montana, New Hampshire, New Mexico, New York, North Dakota, Ohio, South Dakota, Virginia, Washington, West Virginia, Wisconsin.

The extent of adequate state audit of its own accounts and offices, while not specifically relating to local finance, shows the degree to which supervisory control is being recognized as an accepted principle. Thirty-nine states make provision for some form of audit of state offices by the bureau which examines local accounts. Of this number, twenty-one make mandatory an audit yearly or oftener. Installation of an accounting system, uniform for offices of the same grade, is required in thirty-three states. A smaller number, twenty-five, enable the supervisory bureau to keep in close touch with fiscal operations of the state through periodic reports submitted by state officers and institutions.

It is significant that of all the states in the Union, only one—Rhode Island—has no legal requirement for some form of supervision of accounting, state or municipal, by a centralized agency of the state. The law in many instances may be inadequate. Its administration may be faulty. But the presence of provisions on the statutes of forty-seven states leaves no doubt that supervisory control is to-day a recognized part of state administration.

FINANCIAL REPORTING

The value of the Massachusetts experience in collecting comparative municipal statistics has resulted in numerous legislative provisions patterned on the procedure of the Bay State. Fifteen states[2] require municipalities to make annually a financial report to the state, nearly all of whom provide for the publication of the reports in comparative tables. A second series of sixteen states[3] require some form of local reporting of finance, the requirement usually being confined to county officials or to those handling state funds.

The scope of the state publication is illustrated by the analysis printed by the New York state comptroller which contains:

1. Summary of financial transactions (classification of receipts, payments, and balances).
2. Analysis of income according to the nature of receipts and revenues.
3. Summary of payments classified by function performed.
4. Outstanding indebtedness and interest charges analyzed as to character of the obligation.

These four elements are normally found in every state publication of municipal statistics, although supplementary statements are always added by individual bureaus. The receipts and outlays for municipal industries and the valuation of property are important tables in several reports. The mass of undigested statistics, which the report may readily become, has been interpreted in a readable fashion by several bureaus, notably those of Ohio, New York, and Massachusetts. Charts are printed in their reports, showing graphically the increase or decrease in the cost of various functions as well as graphical representations of revenues and payments.

The better class of publications of municipal finance are now complete as reference volumes of financial information. The next step in their improvement, difficult though it may be, is to correlate physical with fiscal data. Of what value is a comparison between the cost of education in two cities if we do not know the degree of service rendered, if the number of school children and teachers and salaries is not revealed. This illustration holds true for most of the municipal services, whether it is fire and police protection or the laying of sewer systems. The limitations of any governmental report of comparative statistics are well recognized. To the voter who wishes to judge the comparative performances of officers, statistics which are not interpreted over a common denominator are useless. If corresponding physical data, however, can be added to the fiscal statistics at present contained in the publications, the voter will be given a guage to measure municipal services and officers. The utility of the publication will be multiplied when a municipal officer of any nature, whether street or public work, can turn to it for comparative information expressed in concrete terms of cost and service.

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[2] California, Indiana, Iowa, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Washington, West Virginia, Wisconsin.

[3] Colorado, Connecticut, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Nevada, Oklahoma, Oregon, Tennessee, Texas, Vermont, Ohio, South Dakota, Washington.

UNIFORM ACCOUNTING

Following the first state law requiring uniform municipal accounting, that of Wyoming in 1890, twelve other states[4] have made mandatory the requirement for the installation of uniform methods in local accounting offices. Sixteen other states have legal provisions for an accounting system, six[5] of whom limit the requirement for uniformity to county offices. By request of the locality or recommendation of the supervising bureau, an accounting procedure will be installed in a local office in seven states[6] while in the remaining three states,[7] whose statutes deal with the subject, uniform accounting applies only to county offices handling state funds.

Uniform accounting is "*merely the enforcing of adequate standards of performance.*" The state must take notice of the methods of a particular office because its laws set standards of conduct which are inoperative under faulty accounting. That the procedure is uniform is the natural result of determining what standard is desirable. The drawing of comparative statistics between municipalities would be hindered, if not made impossible, without uniformity in the primary accounts. Uniformity is required, of course, only as between officers of the same class and function.

The actual administration of accounting installations has encountered obstacles when the attempt was made to impose hastily a complete system throughout the state. In Iowa the state auditor declared after an attempt "to install a system offhand that it was necessary to abandon the original plan and build anew as experience pointed the way." The procedure followed by Wisconsin, devised to avoid administrative friction, provides for:

1. Municipalities desiring to adopt the system are required to make formal application guaranteeing to pay the (installation) costs.
2. Preliminary surveys are then made of the conditions to be met in order to devise the system.
3. A system of double-entry bookkeeping is provided, designed to secure:
    (a) A complete record of all municipal transactions on an accrual basis.
    (b) To centralize the records of municipal activities in the clerk's office.

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[4] California, Indiana, Iowa, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, South Dakota, Washington.

[5] Colorado, Georgia, Idaho, Michigan, Missouri, New Mexico.

[6] Louisiana, Massachusetts, Nevada, Pennsylvania, Virginia, Vermont, Wisconsin.

[7] Kansas, Kentucky, Maryland.

(c) Continuous audit of all financial transactions by some responsible local official.

(d) Methods of accounting adapted to the capacity of non-experts and changing officials.

(e) Uniformity enough to produce comparable results and at the same time elasticity to meet varying conditions.

(f) Information of municipal activities by reports to the state commission.

(g) A budget system to furnish the public with information regarding expenditures.

4. In installing these systems all officials concerned are carefully instructed how to keep them. Usually a period of from two to ten months of the financial history of each municipality is rewritten under the new system which serves as a guide for future transactions.

5. Subsequent inspections are provided so that each system may be inspected to determine whether the records are properly kept."[8]

EXAMINATION AND AUDIT

The maintenance of financial standards as outlined in state laws and detailed in accounting procedure cannot be entrusted to an automatic self-working. As a necessary corollary to setting up of the machinery is its operation by corps of inspectors of the state supervisory office. Field inspectors who travel from office to office examine municipal accounts, preferably once a year.

The need for an independent audit of municipal accounts by an outside agency is recognized in the laws of thirty-six states. Adequate provision for a compulsory examination once a year is required by the statutes of fourteen states.[9] In five states the requirement is optional and may be met when the state agency deems desirable or the locality requests an audit.[10] An occasional examination, or one confined to county offices, is the scope of the audit in sixteen states.[11] Mississippi is distinctive in using the revenue agent plan under which the agents are given *carte blanche* authority to unearth any peculations by local officers that they may find—and get a "slice" of the recovered money.

A very inadequate method of checking local finance has been resorted to by a few states in requiring the submission of detailed reports to the state agency. The checking up of these reports may or may not reveal the true condition of the municipality, depending upon the accuracy and honesty of the reporting officers.

ADMINISTRATIVE ORGANIZATION

A variety of organization is provided by the state statutes shading off from an elaborate staff organization solely concerned with municipal finance to the appointment of a special investigator by the governor. Frequently, the state administrating bureaus are in the department of the auditor of the state.[12] Equally prevalent has been the practice of creating an independent agency variously named "public examiner," "executive accountant," or "state accountant."[13] The chief of this agency is responsible directly to the governor or to a state board of examiners.

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[8] Report of the Wisconsin Tax Commission, 1916.

[9] Indiana, Iowa, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, South Dakota, Virginia, Washington, and West Virginia.

[10] California, Louisiana, Massachusetts, Wisconsin, and Wyoming.

[11] Alabama, Arkansas, Colorado, Delaware, Georgia, Idaho, Kansas, Kentucky, Maryland, Michigan, Missouri, Nevada, Oklahoma, Florida, Tennessee, Vermont.

[12] Arizona, Colorado, Connecticut, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, Nevada, New York, New Mexico, North Carolina, Ohio, and Vermont.

[13] Alabama, Delaware, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Montana, New Jersey, North Dakota, Oklahoma, South Dakota, Texas, Virginia, Wyoming.

In two states, Wisconsin and West Virginia, the supervising agency is under the state tax commission, which has partial jurisdiction also in Oregon and South Carolina. In those states in which the state government has recently been reorganized, the bureau has been placed in the department of finance. California, Idaho, Illinois, Nebraska, and Utah have found that the logical place for the agency is in that department.

A surprising confusion exists in several states by distributing authority among more than one agency. Three states, Connecticut, Oregon and South Carolina, have seen fit to allow separate officers to exercise supervision while Mississippi occupies the unhonored position of having a three-headed control. In that state localities report the condition of their finances to the state auditor, the revenue agents investigate accounts, and as an extra-precaution the governor may appoint special accountants, perhaps to check up the revenue agents as well as the municipalities.

The New Jersey system, unique to that state, deserves mention. The field work of the department of accounts is not done by regular state employees, for the department maintains a list of municipal accountants who, upon registration, are empowered to audit local accounts. The municipalities, under mandate of being examined at stated intervals, hire a registered accountant whose certified report is submitted to the state department.

CLEARING HOUSE FOR INFORMATION

The greatest rpomise for future usefulness of the state supervising bureau hardly consists in the formal accounting procedure devised or in local audits made. Possibly in the use of the state office as a clearing house to which municipalities naturally turn for advice and information, the existence of the bureau finds its best justification. The advisory function of the bureau grows as the staff gradually builds up confidence in its work among the municipalities. The volume of daily mail containing inquiries about current problems of finance, the conversations held in the bureau's office, and the aid which the staff gives while inspecting local offices, form a rough index as to how far the bureau has "dug in."

In no field can the bureau be of more use as an advisor than in law. To the local officer it can outline the requirements of the latest session laws. To the state legislature it can submit constructive measures of reform based on the data it has collected within the state and close observation of the operation of experimental laws elsewhere.

The advisory function of the bureau provides it with the needed opportunity to correlate the three-fold aspect of its work—installation of uniform accounting systems in municipal offices, examination of local accounts, and the compilation of comparative municipal statistics. A bureau having the confidence of municipal officers throughout the state may extend the standard accounting methods with their ready acquiescence or upon their invitation. Audit of municipal accounts by a state inspector is not resented when the local officers are accustomed to view the bureau as a partner in working out fiscal problems. If the municipal officers look to state publications of statistics as a guide, coercive measures need not be used to compel the submission of the detailed reports required by law.

The trend towards complete adoption of supervisory control of municipal finance by the state has been so gradual that it has escaped the attention which more spectacular changes attract. To paraphrase Blackstone's dictum on the growth of English common law: state supervisory control has been secreted from the intestines of financial administration. The methods by which it now seeks to function are but the natural aftermath of the state's duty to protect the integrity and credit of public finance within its boundaries; they have been and will be extended piecemeal as the circumstances in each state prove the need for their adoption.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Enforced Curtailment of Essential Municipal Activities.—Drastic curtailment during the present year of essential public service appears to be the only alternative facing many Ohio cities as a result of the operation of the obsolete and restrictive tax laws of that state. Obviously, some cities are more seriously affected than others at this time, but the situation confronting Cincinnati is a particularly desperate one.

In the latter city at the election held in the fall of 1922 a proposed special tax levy designed to provide funds urgently necessary for the carrying on of the city government and the support of the public schools was defeated by the voters, although the administration making the request was continued in power. As a result of the defeat of this measure, the city government and the schools for the next two years will be short of funds required for the efficient functioning of government by an amount estimated at not less than two million dollars. The city administration has faced the situation by authorizing extensive reductions in practically all departments. These call for a curtailment in the police and fire protection service furnished and a cessation of street repair work and the collection of ashes and rubbish. Similar action has been or is to be taken by other Ohio cities in order to meet their local problems. It will be interesting to see just what will be the effect on the public of a curtailment in the services which it has been demanding and receiving in many of these branches closely related to public comfort and convenience. Naturally, any reduction due alone to shortage of funds in police and fire protection service tends to increase hazards to the safety of the community in a way that is not pleasant to contemplate. These phases of the situation alone are of sufficient importance to demand the most serious consideration of public officials and of citizens, but there is one other element that is of the gravest importance from the point of view of sound financial policy which has not received the recognition that it should. This is the practice followed in the past by many Ohio cities of financing street repair, maintenance and repaving out of bond issues. Reliable information as to the amounts expended in this way by various municipalities is not available, but a casual inquiry into this matter covering three cities alone disclosed that up to 1921 there were $3,350,000 of street bonds outstanding.

Undoubtedly one of the first places in which Ohio cities will seek to economize will be on their street work, both construction and maintenance. In the matter of maintenance, this means that if funds are not provided to carry on such work from year to year, progressive deterioration of pavements will result and the expenditure, within a few years for reconstruction, required to provide for traffic needs, will be far in excess of the amount needed each year to protect against such an occurrence.

In order to provide for financing the sewage disposal projects and the collection and disposal of garbage, which are closely related to public health, a bill sponsored by the Ohio state department of health has recently been introduced in the legislature of that state authorizing the cities and villages of Ohio to make annual charges for the use of sewerage systems which will be sufficient to take care of capital charges, maintenance and operating expenses of such systems. Under conditions now prevailing in many Ohio municipalities, it may be that something of this sort is desirable as regards both the sewerage facilities and the collection and disposal of garbage. It should, however, be recognized that both of these services are distinctly community benefits and should be financed on that basis.

Any devices of this kind are palliative in character. They do not get at the root of the evil. The situation confronting Ohio cities constitutes a state problem. To meet it there should be a thorough and sane revision of the tax laws of Ohio. That this has not been done long before is a cynical commentary on the collective intelligence of the citizens of that commonwealth.

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What Constitutes the Best Type of Pavement.—The imperative necessity of competent engineering judgment in the determination of the type of pavement suitable to meet any particular set of conditions has been long recognized by those familiar with problems of highway administration, but it is amazing what scant appreciation many public officials have of the importance of this matter and also how uninformed the public is with respect to its significance. Two ways in which the latter conditions are manifest are, first, the practice followed by many communities of permitting the owners of property abutting any contemplated street improvement to select the type of pavement to be used, and second, the impression that apparently exists in the minds of many intelligent people either that there is or can be developed some type of pavement universally suitable to meet all conditions of traffic. The former constitutes by far the more serious problem. It has resulted probably in more ill-advised street construction than is due to any other cause. Its continuance should not be permitted in any community and it is encouraging to note that there is to-day a trend away from this practice.

With respect to what may be termed the quest for the universally supreme type of road there is likewise need for public education, and the following editorial comment on this subject, appearing in a recent issue of the *Engineering News-Record*, is of timely interest:

"Last week at Harrisburg, Pennsylvania, at the conference of highway officials called by Governor Pinchot, evidence of the quest appeared repeatedly in the questions raised for answer. It is difficult for the heads of government not trained as engineers to avoid the notion that there is somewhere to be found a universally best road and that it will be disclosed if road officials will go into conference and talk enough about the subject. At the Harrisburg conference it proved easy as usual to raise a dispute between partisans of different types of roads, and as usual this dispute arrived nowhere. The useful effort of the conference was the determination with which the engineer delegates drove home the truth that the selection of road type and its design are widely different problems in different sections of the country and that knowledge of traffic and its probable trend is essential to intelligent selection and design. There is no universally best road surface any more than there is a best type of bridge or a best size of shoes." As pointed out by the editor, "if this fact can be established in the minds of public officials it will pay to hold many conferences like that called by the Governor of Pennsylvania even though they develop no thought with which the road expert is not familiar."

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Political Road Control.—New Jersey with $20,000,000 to spend on roads this year has made the administration of its highway department an issue of partisan politics. Incidentally the state since January 22 has been without a responsible head of its road-building activities. These facts possess a disquieting significance not confined to the effect on highway development in the single state directly concerned. They exemplify a reversion of thought on public roads work which is being manifested in many states and which if not checked may undo much that has been accomplished in the last few years toward putting state highway administration on a fairly high plane. They point to the necessity of organized corrective effort akin to that which created the demand of the last few years for road improvement.

Considering the New Jersey situation specifically, there will be few mourners for the old, eight-man, bipartisan highway commission. The smaller commission of four, provided by the new law, although it is still bipartisan, is a much preferable working organization. One may commend also the personnel of the new commission as it has been named for confirmation. There is no great cause to criticize any of the minor provisions of the new law and some of them can be praised. All this granted, the fact remains outstanding that the law is purely the creation of partisan politics. Not one provision, from the bipartisan requirement to the number of commissioners and the appointive power, was decided on any basis except compromise between a democratic governor and a republican legislature.

The calm assumption by the executive and the legislature of the right to discuss and arrange the highway business of New Jersey as a political issue and the complacent acceptance by the public of this assumption, constitutes to-day the hazard to highway development which thoughtful engineers most fear. The condition is not peculiar to New Jersey; it exists in a number of other states where, however, it is not quite so bold in displaying itself naked to the world.

The discouraging truth is that all over the country a determined effort is being made to swing the great work of road-building into the list of public activities which proceed under political favor. Power has been lent to those who seek this goal by an economic condition which has set the people astir to ease their burden of high taxes and high costs. Watching their highway bills pile up to hundreds of millions a year, taxpayers are in a fit temper to follow the leader who promises relief by calling back the old régime of local direction and control. Such leaders are not lacking and they are getting followers in exactly the degree that the people have not been educated in the highway business.

Following a period of active education of the public to the need of good roads there has been a period of no schooling. Rampant propagandists as they were in large part, the old "good roads" organizations accomplished their object of creating an active public sentiment for improved highways. With the first lesson taught education ceased. Federal and state highway departments and associations of road builders have taken up educational work only as it has concerned the technique of highway building and operation. Their work has been remarkable but, with rare exceptions, they have done little to teach the people generally the business of highway engineering and highway transport. There is need for someone to perform this task.

The above comment appeared recently in the editorial columns of the *Engineering-News Record*. Although directed primarily towards the New Jersey situation, it so well epitomizes conditions which at present menace the efficient administration of highway matters in many of our states that it is desired to bring it to the attention of the readers of the Review.—Ed.

◆

Extensive Bond Issue for Public Improvements Authorized by Voters of St. Louis, Missouri.—A program of municipal improvements representing a contemplated expenditure of $87,372,500 was authorized by the voters of St. Louis at an election held February 7, 1923. According to the *Engineering-News Record* of February 22, this is the largest municipal bond issue authorized by popular vote by any American city. The improvement program put up to the people comprised twenty-one items of which all but one received the necessary two-thirds vote. These items among others made provision for additional water supply facilities, hospital construction, extensions to the sewer system, increased facilities for the fire department, program of grade crossing elimination, and the construction of a municipal auditorium, a municipal plaza and hall.

The approval of this improvement program represents the culmination of intelligent co-operation and effort both on the part of the city officials and various civic organizations in bringing to the attention of the public of St. Louis the significance and value of the work planned.

An interesting feature of the election was that less than one-third of those entitled to vote on the project did so. At the same time the results would indicate that the program of municipal improvements submitted when explained to the public had met with popular approval.

Other cities have not been so fortunate in presenting their cases to the public. The situation in Cincinnati brought about by the defeat at the recent election of the special tax levy, a levy designed to supply money urgently needed for the carrying on of the city government and the support of the public schools, is an example of a different character. A similar case has been noted in the experience of Cape Town, Africa, where the municipality had an election to approve a plan for much needed street and sewer improvements involving an expenditure of about one million dollars. The election resulted in 805 votes for the project and 2,785 against.

A few years ago a bond issue designed to provide funds for a much needed extension to the existing sewer system of a large western city was voted down. Subsequently that city had to resort to emergency measures in order to provide in part for the improvement for which these funds were designed and at the same time was seriously involved in damage suits arising from the overloading of the existing sewer system.

That experience would indicate that though the voice of the people may be the voice of God, it is not always the voice of progress. Both the city officials and the public of St. Louis are to be congratulated on their recent action. There is, however, ample opportunity for energetic educational work in other communities in this country for the purpose of keeping the public not only aware of the needs of the community but also cognizant of the individual citizen's responsibility for meeting these needs.

◆

Caution Plates on Motor Trucks to Prevent Overloading.—Equipping all motor trucks with caution plates on which would be stamped information relating to the permissible loading is proposed by manufacturers as a means for effecting control over the overloading of such equipment. According to Mr. David C. Fenner, Manager, Public Works Department, International Motor Company, such plates would show the maximum gross load for the front axle, the maximum allowable gross load for the rear axle, the maximum allowable speed and the distance in which the vehicle, loaded to capacity, can be stopped with each set of brakes operated independently, with the vehicle running at the above maximum speed on a hard, dry level roadway.

This information would give the owner the data required for painting weight and carrying capacity on the sides of the vehicle to comply with the local state law. By making this information a prerequisite to the issuance of a truck license it would prevent the operation of unsuitable trucks and enforce the proper operation of good trucks. Moreover, such a provision would place the penalty for poorly adjusted brakes and steering connections directly on the operator, where it belongs.

It is gratifying to note that the motor vehicle industry is lending its weight and its influence to preventing both overloading and over-speeding of motor truck equipment. As an aid in reducing the hazard on the public highway as well as its value in preventing the destruction of road sections from overloading, the above suggestion deserves careful consideration by all those formulating legislation dealing with the problem of motor vehicle regulation.

◆

Lighting of Public Highways an Important Factor in Accident Prevention.—The important relationship that lighting systems of public highways bear to the protection of traffic using these highways and the need for a systematic program of education directed towards securing better service in this matter are emphasized by Mr. David Beecroft, Vice-President of the North Atlantic Division of the National Highway Traffic Association.

According to Mr. Beecroft an analysis of accidents on public highways during 1922 in the state of Connecticut disclosed the fact that a very considerable number of such occurrences were directly traceable to defective lighting either of the highway or motor vehicle, or both. In general it may be stated that motor cars are too often overlighted and motor trucks generally underlighted. Probably the last criticism applies most generally to the highway itself. It is only comparatively recently that attention has been given to what constitute the requirements of lighting public highways outside of cities, and hence there is not much precedent in this matter. However, the experience gained in the use of signal lights at street intersections in suburban areas is of distinct value. During the past year there has been rapid development in the installation of such facilities. There has, however, been practically no regulation as to type of signals employed with the result that there has been considerable variation and a general lack of uniformity. In one city of 40,000 population, adjacent to New York City, there are three different colored lights placed on an important highway within a distance of two miles. All three are blinking types of intermittent lights, one showing green light in both directions, another green in one direction and white in another, and another red in one direction and green in another. The undesirability of an arrangement of this kind cannot be overestimated. They impose a serious strain on the mental energy of the driver of the motor vehicle which would not be present if a steady green light were employed. The example cited is by no means an extreme one. Similar conditions obtain practically throughout the Metropolitan zone of New York City and also in many of the other large cities of the country. Unquestionably this lack of uniformity in signal lights adds materially to the hazard of night driving. All highway signal lights at intersections should be standardized as to color, height, and preferably location. The essential requirements governing these matters could well be included as a part of the state highway law.

BOOKS AND REPORTS

Character and Functioning of Municipal Civil Service Commissions in the United States. Report of the Committee on Civil Service of the Government Research Conference of the United States and Canada, 1922. Obtainable from W. H. Beyer, chairman, 805 Franklin Bank Building, Philadelphia.

The report of the Committee on Civil Service of the Government Research Conference is thought provoking and suggestive. It has character, is interestingly written and leaves the reader with a definite program. The recommendations of the report are based on a conviction that it is becoming more and more necessary to have a truly positive and better outlined employment policy for public service—a policy in keeping with the best in present-day employment management. The committee believes that in civil service administration there must be a "change of emphasis from the prevention of spoils to the promotion of morale and efficiency." As the key factor in the effective carrying out of this more comprehensive and dynamic program, the makeup of the commission itself is subjected to a rather searching but constructive criticism.

Two groups of standards are advanced by the committee "in an effort to appraise our civil service commissions." The first group is made up of "those which may be fairly applied to civil service commissions in the past." Commissions should be non-political in character, faithfully enforce merit principles, and maintain continuity of employment policy. The committee finds that the application of this first group of standards shows certain weaknesses that ought to be corrected. It believes that "to a large extent civil service commissions themselves have been made footballs of politics."

The second and additional group of standards is one "to which civil service commissions have not always been expected to conform in the past but to which they will have to conform more and more in the future."

> "a. Civil service commissions should be under professional guidance.
>
> "b. Civil service commissions should perform adequately all employment functions of government.
>
> "c. Civil service commissions should make possible democratic administration of the employment affairs of government."

"With these standards in mind, the committee has endeavored to examine the character and functioning of municipal civil service commissions in the United States, to draw lessons from the experience of private concerns and of other countries in employment administration, and to suggest ways of improving our civil service administration, with particular reference to the makeup of the commissions themselves."

May civil service commissions as they are now constituted "be expected to measure up to the new tasks that will devolve upon them with the change of emphasis from the prevention of spoils to the promotion of morale and efficiency?" To this query, the committee answers "No." The commission which is proposed to measure up to the standards of both group one and two is to be composed of a civil service commissioner selected competitively on the basis of his technical and professional qualifications for employment and personnel work. He is to be the executive officer, but is to be assisted in judicial and legislative matters by two associate commissioners. One of these associates is to be from the chief executive's staff while the other is to be selected by the employes of the classified service.

Around these standards and suggestions centers a most interesting discussion. Especial attention is given to the new functions of employment and personnel management and to the advantages of employe representation. In the appendix are found tabulated replies to the questionnaire on which part of the report was based. Definite legal provisions are given for carrying out the recommendations of the report.

The report is bold and definite in its suggestions. It is a challenge to thought and action, and although some of its proposals will no doubt meet with spirited opposition, the soundness of its fundamental appeal will be generally recognized.

Allen M. Ruggles.

THE FIRST YEAR OF THE BUDGET OF THE UNITED STATES. By Charles G. Dawes. New York: Harper and Brothers, 1922.

The book consists of the memorandum and notes, which were made by General Dawes during the progress of his work as director of the budget together with the official orders and statements issued in connection with the inauguration of our first national budget system.

An appendix, comprising 170 pages, gives in detail the estimated economies and savings in governmental business for the fiscal year 1922, resulting from the system of co-ordinating agencies created by executive order, on the recommendation of the director of the budget. These economies and savings total $250,134,835.

The results, accomplished in the first year's work of the budget bureau, strikingly illustrate the value and importance of impartial, impersonal, non-political, scientific research and investigation, in governmental affairs, coupled with a strong executive who will consistently exert pressure in the interest of economy and efficiency.

The bureau of the budget was a small organization consisting of the director and eight assistants. The total expenditures for the first year were $120,313, although an appropriation of $225,000 had been granted. The bureau had no administrative duties, but was simply a fact-finding agency, engaged in gathering and compiling information from the departments, as a basis for the formulation of executive plans and policies relating to the economical and efficient administration of government. Each of the forty-one departments and independent agencies of government appointed a budget representative, who was the authorized agent of the department in collecting budget facts and information and presenting them to the director of the budget.

The imposition of executive pressure to reduce expenditures and requests for appropriations to the lowest point, consistent with the efficient functioning of the department, coupled with intelligent scrutiny of departmental requests by the officers of the budget bureau, resulted in the saving of 250 million dollars during the fiscal year 1922 and the submission of a budget for 1923 which contemplates a reduction in expenditures of $2,032,285,962 under actual expenditures in 1921 and $289,547,772 below actual expenditures during 1922.

The second achievement of the budget bureau was the establishment of a number of co-ordinating agencies for the purpose of correlating the activities of the separate departments in certain matters of routine business. The plan adopted was similar to that employed by the American Expeditionary forces in France.

These co-ordinating boards or committees were composed of men selected from the existing organization, who were familiar with the particular activity being co-ordinated, and were created for the purpose of establishing a centralized control over the given activity. Co-ordinating machinery was first established over purchasing, surplus supply and printing.

On the federal purchasing board there was detailed the chief purchasing officer of each department, with a chief co-ordinator as chairman, named by the president. The chief co-ordinator had the right to impose co-ordinating orders and thus prevent raising prices on each other or ask one department to execute the purchase for itself and as agent for the others. Each independent department of government appointed a director of purchases who represented the department in all matters involving purchases. Similarly a federal liquidation board was created for co-ordinating the sale of the large surplus stock of the various departments.

A surveyor-general of real estate was established to have charge of the lease or rental of all premises occupied by all government departments.

A federal motor transport agent was created to have control over the assignment of motor vehicles to government departments.

A federal traffic board was established to secure co-ordination in the conduct of the traffic business of the government.

And a board of hospitalization was established to co-ordinate the activities of the veterans' bureau, surgeon-general, and public health surgeon-general of the army, surgeon-general of the navy, superintendent of prisons and National Home for Disabled Volunteer Soldiers.

A very good idea of the accomplishments can be obtained by reading the official report of the director found on pages 100 to 154, and an address of the director, pages 172 to 189, and the report on economies and savings, pages 199 to 212.

DON C. SOWERS.

THE NATIONAL PARK SERVICE, ITS HISTORY, ACTIVITIES AND ORGANIZATION. By Jenks Cameron. No. 11 of the Service Monographs of the United States Government issued by the Institute for Government Research. D. Appleton and Co., 1922.

An extremely valuable monograph on "The National Park Service," prepared by Jenks Cameron of the Institute for Government Research, is the eleventh of the series of monographs on the services of the United States Government. At the outset the aim of the Institute in presenting these monographs is to "produce documents that will be of direct value and assistance in the administration of public affairs." The studies "are wholly descriptive in character." They are the raw material which executives, legislators and the public may use in reaching conclusions and offering constructive suggestions.

The National Park Service, created by the act of August 25, 1916, was actually brought into existence by the deficiency appropriation of April 17, 1917, and so has not quite reached its sixth birthday. The group of pioneers who secured the passage of the bill setting aside the Yellowstone for the use and enjoyment of the people were responsible more than fifty years ago for the "National Park idea." The "idea" developed until there was a definite demand for national parks. Since the establishment of a government service charged with the administration of the national parks a "policy" has also begun to emerge from the practices in the various parks.

The Service publishes historic and scientific pamphlets; rules and regulations for the various parks; maps and manuals; panoramic views and reports and proceedings. The organization by which it produces these services for the public is accurately described, the laws relating to national parks are codified and an excellent bibliography of works dealing directly with the National Park Service is appended.

Altogether the monograph is an indispensable reference book on the National Park Service.

HARLEAN JAMES.

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CHARLES JOSEPH BONAPARTE: HIS LIFE AND PUBLIC SERVICES. By Joseph Bucklin Bishop, New York: Charles Scribner's Sons, 1922.

We have in this volume an interesting account of one of the outstanding leaders of the past generation, a leader in every movement that had for its purpose the betterment of public conditions, the raising of the standards of public life, the establishment of decency, honesty and effectiveness in public affairs. A founder of the Maryland Civil Service Reform League, and of the National Civil Service Reform League in 1881 and of the National Municipal League in 1894, an official in all of them, he was in the forefront of every movement, city, state or national which aimed to improve political conditions. It was only natural that with his abilities and learning and fearlessness he should be called upon to help Theodore Roosevelt in his many fights and as a member of his cabinet, first as secretary of the navy and later as attorney-general. Mr. Bishop has told his story entertainingly, trained journalist that he is, but his emphasis has been placed on his personal side and his cabinet work and only briefly on what Mr. Bonaparte himself liked to call his "reform" work. There is scarcely a dozen references to his long and arduous work in connection with the two national organizations which he helped to found and with which he was identified throughout his life and which lay very near his heart.

Charles J. Bonaparte was easily one of the big factors in the great movement of the latter part of the nineteenth century and the beginning of the twentieth for the purification of American politics and he deserves high praise and credit at the hands of his biographer, and this he gets from Mr. Bishop although it is to be regretted that more has not been said about these activities which carried his influence beyond his native city, where he was always a power for righteousness and decency.

C. R. W.

✣

THE PLANNING OF THE MODERN CITY. By Nelson P. Lewis and Harold M. Lewis. 2nd edition. New York: John Wiley and Sons, 1923. With numerous plates and diagrams.

This is the second edition of a book published about six years ago. That a second edition has become necessary in so short a time is a tribute both to the development of the subject and the excellence of the book. There has been little change over the first volume except that the records of accomplishments have been brought down to date and more attention given to zoning and regional planning. The established position of the authors and the real utility of the volume will assure for the new edition a continuation of the success of the old.

H. W. D.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Indiana Legislature has again adopted a resolution amending the state constitution to authorize a state income tax. It remains to be seen whether it will be accepted by the people.

✤

The Washington Legislature has passed a law requiring that all new and refunding bonds hereafter issued shall be in serial form. This is in line with the tendency in the northwest to require all units of government to pay more businesslike attention to their debt obligations.

✤

The City of Portland, Maine, has been granted a referendum on a new city charter. The election will be in September. Three charters will be presented; a city-manager charter, a charter drafted by the mayor's committee providing for an elected mayor and council, and the present charter. Whichever charter gets 50 per cent of the votes cast will be adopted.

✤

Governor Moore of Idaho has vetoed the direct primary bill passed by both houses of the legislature, and there has not been sufficient strength to pass it over his veto. The governor was opposed to the measure on account of the expense involved and because he believed that the issues at the primaries are determined by the personality of candidates rather than the principles for which they stand.

✤

Municipal Vacation Camp Pays.—Mayor Davie of Oakland, California, reports that the municipal recreation camp, established in the Sierra Mountains last year, provided over 5,000 residents of the city with a mountain vacation at a very reasonable cost. Revenues for last summer exceeded maintenance by nearly a thousand dollars. Additional improvements are being made to accommodate an increasing number this summer. Oakland has just completed a $60,000 municipal golf course.

✤

Idaho Again Denied I. and R.—Although Idaho has had an initiative and referendum provision in the state constitution since 1912, the legislature has never set up the necessary election machinery to carry out the purposes of the act. At the recent session another bill was introduced providing such machinery and though it passed the house it was buried in committee in the senate. Thus the people of Idaho will continue to be denied access to a scheme to which they have given their approval.

✤

An Early Manager City.—Lionel Weil of Goldsboro, North Carolina, has discovered that the first charter of that city, adopted in 1847, provided what was virtually a council-manager form of government. The executive was the "intendant of police" selected by the council of five members. In addition to police functions, the intendant had financial duties. For one thing, he made up the tax list and levied the assessments. By definition the intendant is one who has charge of administration.

✤

Toledo Struggles with Salary Revision.—The Toledo city council recently overturned the second report of the salary revision committee prepared over a period of six months in 30 meetings. This is the second report that the council has rejected this year. A new salary committee has been appointed to wrestle with this problem.

The proposed changes affected 44 classifications, decreasing 13 classifications and increasing 31, out of more than 400 classifications in the city's employ. The aggregate increase, deducting small reductions, was about $9,000 annually.

✤

Hylan Would Abandon Pay-As-You-Go.—A bill has been introduced into the New York legislature, with the backing of Mayor Hylan, to violate the pay-as-you-go policy in favor of the spend-as-you-please policy. Specifically, the measure empowers the city to issue $15,000,000 of long term bonds annually for five years. The bonds are to be used for hospital improvements, street improvements and other capital expenditures. They will, however, represent a departure from the pay-as-you-go policy to which New York is now committed and as such are opposed by the comptroller. Although the comptroller is also a Democrat, his long standing feud with the mayor adds considerable to the gaiety of New York life.

◆

Boulder Charter Overcomes Bitter Attack.—The Boulder, Colorado, charter, which provides for the city-manager form of government with a council elected by proportional representation, was sustained in an election on April 10 by more than a 2 to 1 vote. Walter J. Millard was present during the last days of an extremely bitter campaign.

The election was on a long amendment to the city charter which would have abolished P. R. and have made the manager a mere flunky of the mayor. Indeed decision as to whether there should be a manager at all was left to the council. If no city manager was chosen the mayor was to have all the powers of the manager.

A more extended account of this curious, abortive amendment will appear in a later issue.

◆

New Jersey's Optional Manager Bill.—The New Jersey optional charter bill, passage of which was reported in the last REVIEW, is applicable to any city, town, village, borough, township or any municipality governed by boards of commissioners or improvement commissions within the state. It provides that 15 per cent of the number of persons in any municipality who voted at the last general election may petition for an election upon the adoption of the charter. If a majority of those voting at the election are in favor of the manager form and if the number of those voting in the affirmative is equal to 30 per cent of those voting at the last election the charter is adopted.

The law provides for a manager appointed by the municipal council. Members of the council are subject to recall.

The manager is the chief executive of the municipality with power to appoint and remove all department heads. The election for councilmen follows an elimination primary.

◆

Home Rule for New York Cities.—The municipal home rule amendment to the New York constitution has passed both houses of the legislature, although in slightly different form. It is expected to be submitted to the voters in November. For a time there was some doubt as to its constitutionality, due to the fact that between the time the proposal was first introduced and the time it can be finally submitted to the voters the language of the portion of the constitution to be amended has been changed through the ratification of another constitutional amendment. Doubts were, however, dissolved by discovering earlier precedence supporting the constitutionality of the procedure.

If the people approve the amendment the legislature will be able to vest in cities and villages extensive home rule powers, including the right to adopt and amend municipal charters.

◆

High-Grade Positions Filled by Civil Service Examinations.—The report of the civil service commission of Philadelphia for the year 1921 lists 37 positions, paying from $2,500 to $6,000 per year, filled by competitive examinations. These positions include a deputy chief of the highways bureau at $6,000 and one at $5,400, a chief in the public welfare department at $4,000 and a superintendent of the garbage reduction plant at $4,800. A more recent appointment to a high-grade position is that of Dr. J. G. Cummings as chief of the health bureau at $4,000 plus 5 per cent bonus. Dr. Cummings has served in various important public posts including the directorship of the bureau of communicable diseases, California state board of health, and as captain, major and lieutenant-colonel in the medical corps of the United States army. He was assistant health officer in Washington, D. C., when appointed. The board of examiners conducting the examination under which he was appointed was composed of two prominent Philadelphia physicians and the secretary of the commission, Charles S. Shaughnessy. The League's honorary secretary, Clinton Rogers Woodruff, is president of the Philadelphia Civil Service Commission.

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Chicago City Club Proposes Metropolitan Plan for City and Environs.—In March a meeting of the Chicago City Club, attended by representatives from the municipalities and civic and commercial organizations interested, was held to confer upon the subject of a metropolitan plan. As a preliminary to the conference the City Club had prepared a report demonstrating the need for a regional survey. This report points out that the metropolitan district of Chicago has been one of the most rapidly growing urban areas in the entire country. For the past fifty years the territory has added each decade more than 500,000 to its population. The increase in the number and population of the politically independent suburbs has been more rapid in proportion than in the city itself. This rapid concentration has produced many serious community problems which can be met only when the metropolitan territory is considered as a unit.

Within this metropolitan district there are more than 340 local government units spending taxes. There are more than 98 boards or engineers planning and constructing sewers; no less than 119 departments laying out and paving streets, and no less than 94 legislative bodies enacting ordinances and regulating local transportation. Building and sanitary regulations vary in the different units. Fire protection stops with the limits of several municipal corporations. Sewers are planned to meet the needs of the particular areas which pay for them. New streets and subdivisions are planned without regard to their future relation to the territory as a whole.

The conference, attended by more than 200 delegates, passed resolutions calling for the appointment of a committee of twenty-one to recommend a method by which planning for the entire metropolitan area may be successfully undertaken.

✠

Dubuque Enemies of Manager Government Active.—City-manager government in Dubuque, and particularly Manager O. E. Carr, have received a notable vote of confidence from the Dubuque Trades and Labor Congress in connection with a bill which has passed one house of the legislature reducing the interval from six to three years between possible elections over the change of the form of government of that city. The resolution of the Congress recites that it was an active force for the adoption of the manager plan in Dubuque in 1920 and that results have abundantly justified it. Under the new plan the city has proceeded with the retirement of old debt, has collected about $300,000 in delinquent taxes, has developed perhaps the best fire department in the state with a consequent reduction of insurance premiums in prospect, and has increased police court fines from $1,300 to $13,000.

The bill before the legislature is in reality a direct attack upon the manager plan. It does not seem, however, to have the support of the people. A recent special election was held on a bond issue to rehabilitate the city water works plant. The result of the election was almost a 4 to 1 vote in favor of the bonds, which is significant when it is remembered that the election became in fact a test vote on the popularity of manager government. This was really the issue; those favoring the manager form voting for the bonds and those opposed to the manager voting against the bonds. The interest was very great and the votes cast at the election exceeded by 2,000 the votes cast at the spring election of 1922.

Although the bill has passed the lower house of the legislature it is not expected to pass the senate.

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Governor Smith's Consolidation Program for New York.—It seems that Al Smith is to get a part of his administrative reorganization program through, but only a part. He has a majority of one in the state senate, but the opposite party controls the assembly. Consequently the governor finds himself seriously checked in both houses (the senate majority of one cannot be termed safe).

To date, the Republican assembly leaders have been prevailed upon to accept what is in the main the governor's program for reorganizing the administrative departments and agencies. This program is in two parts. The first is a series of measures designed to secure all that is possible by statutory changes. By this means about one hundred independent agencies will be brought into some form of co-ordination with the major departments. But the really fundamental changes will be accomplished by a constitutional amendment which will consolidate all administration (except perhaps the department of farms and markets, and the department of education) into twenty major departments under heads named by the governor. This is practically the same amendment which was put through during Governor Smith's first term, but which failed on second passage under Governor Miller. Governor Smith early came to believe in simplified state government and he has consistently urged it at every opportunity.

Two other important executive measures will probably meet defeat, unless the governor is successful in the direct appeal to the people which he is now making in a series of addresses throughout the state. They are the four-year term for the governor and the executive budget. Party politics is all that holds them up. The arguments of the Republican legislators against the executive budget are silly in view of the party's relation to the federal budget system and the credit they claim therefor.

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San Diego County to Vote on Home Rule Charter.—The Board of Freeholders, elected in

January to draft a home rule charter for San Diego county, California, have reported a document which, if adopted, will greatly improve the administration of the county. The charter really provides for a county manager although he is given the title of comptroller. The comptroller is to be elected by the board of supervisors of nine members elected by districts. He is to be ex-officio road commissioner, to have complete control of all road work, and to supervise and care for all public buildings. He shall act as a purchasing agent and shall appoint the subordinates in his department. It will be recalled that a county-manager charter was defeated by the voters of San Diego county in 1917, but the passage of the present "comptroller form" seems assured.

We are indebted to Charles Hoopes, secretary of the Board of Freeholders of San Diego county for the following explanation of the situation:

"San Diego county is governed by the old system under which supervisors are elected from road districts. They form the legislative, administrative and executive committee which handles all county money, levies taxes, etc. The districts have not been changed in many years, but the county and especially the cities have grown enormously. The result is that the representation is unfairly distributed. The control of our county government has passed to a 'machine' which requires only the votes from a few petty districts to perpetuate itself. The government has been taken over by those with selfish interests and the majority of the people have no voice in their government.

"This has caused a high tax rate and a resulting depreciation of land values. This government has been, and is, wasteful and extravagant, especially along the lines of dirt road upkeep and temporary construction generally. The increase in traffic, due to the automobile, has changed our road problems, and technical skill rather than political pull is required if we are to obtain efficient management.

"The basic principles involved are: re-districting and the maintenance of balanced districts, a county manager or 'controller,' a purchasing agent, and the installation of business methods generally in our county government.

"Our city and the neighboring city of Coronado have city managers and find them satisfactory, but the county machine is fighting with its back to the wall and the battle will probably be a hard one."

Ohio Governor Removes Mayor.—On March 8 of this year the governor of Ohio, A. V. Donahey, removed from office Mayor Herbert H. Vogt of the city of Massillon. The governor exercised this power under Section 4268 of the General Code of Ohio, which provides that the governor may remove a mayor for "misconduct in office, bribery, any gross neglect of duty, gross immorality, or habitual drunkenness . . . , upon notice and after affording such mayor a full and fair opportunity to be heard in his defense." The governor's executive order states, according to a newspaper account, that Mayor Vogt "was guilty of non-feasance in office and gross and wilful neglect of duty in office, in that he did not in good faith try to enforce the laws" and that he was "guilty of misconduct in office," in that when a police chief resigned under pressure of public opinion he was reappointed as a patrolman and subsequently when the new chief was also compelled to resign under pressure of public opinion the mayor reappointed as chief the former chief and gave chief No. 2 a subordinate job in the force. The governor concludes that these appointments, resignations and reappointments show "the existence of a ring of officers notably lax in the enforcement of the laws."

Mayor Vogt claims that the evidence at the hearing was almost wholly given by unreliable witnesses such as "ex-convicts, a man serving a sentence in workhouse and two former police officers under suspended sentence to the penitentiary." He also set forth that he was opposed by certain propertied groups which disapproved of his efforts to annex certain suburbs which were escaping what he considered fair taxation, and that the movement for removal was only a pretext to get him out of office. Mayor Vogt, a Socialist, was serving his second term, when he was removed.

This power of the governor to remove mayors has rarely been invoked in Ohio, but under certain conditions might be the source of a very great question of public policy. In this case the chief complaint against Mayor Vogt was his failure to enforce prohibition laws and it may be presumed that private agencies for pushing the enforcement of these laws were, to say the least, favorable to his removal. The possibilities in this law for state-wide groups and organizations are quite apparent.

Raymond Moley.

Ramsey County (St. Paul) Gives Up Pay-As-You-Go Policy.—Ramsey county, Minnesota, is comprised of the city of St. Paul, city of White Bear Lake, two villages and four townships. St. Paul has 97 per cent of the population, 34 per cent of the area of Ramsey county. Furthermore, 97 cents out of every dollar spent by the county comes from the taxpayers of St. Paul.

Aside from the physical relation between the two there is a close relation between the governments of St. Paul and Ramsey county. Each has its separate organization, but there are several points of contact between the two. Four of the county commissioners are elected from the city and the remaining two from the outlying districts. The mayor of the city acts as chairman of the board of county commissioners. All of the assessments made in the county are made by the county assessor who is appointed by the mayor of St. Paul, the vice-chairman of the city council and the county auditor. The county treasurer collects all of the taxes including special assessments.

The county budget for 1923 has been decreased to the extent of $781,646.38 under the 1922 appropriation. This was made possible by adopting the plan of paying for permanent road improvements from the proceeds of bond issues.

Ramsey county has been on a pay-as-you-go policy as far as roads and pavements were concerned. Each year a program of road improvements was presented and an amount appropriated to carry out this program as well as to provide maintenance on present improvements. However, a certain amount of the paving projects were financed by bonds issued by the county which were taken over by the state. These projects were on main trunk highways designated by the state and to be paid for by the state. The largest amount of paving was done on a pay-as-you-go policy which is to be discontinued in 1923. The reason for this is to permit a larger program of road construction to be put through at once and to distribute the burden of payment over a greater period of years.

It had been felt for some time that the county paving program was not progressing as rapidly as it should. On a pay-as-you-go program the amount of money that could be expended out of taxes in any one year was limited. A program of county road improvements was therefore planned this year by a county planning board working with the board of county commissioners. The program arrived at involved an expenditure of seven and one-half million dollars. All of this paving is necessary at the present time. It was therefore decided to discontinue the pay-as-you-go program and ask the state legislature to authorize the county to issue bonds in that amount to take care of the contemplated program. The proposed act is to be presented to the legislature now in session.

Kenneth Godwin,
St. Paul Bureau of Municipal Research.

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Zoning Ordinance Sustained Although Certain Regulations Unreasonable.—*State ex rel Kosloy* v. *Quigley* was an application before the supreme court of New Jersey for an alternate or peremptory writ of mandamus to command the inspector of buildings in Paterson to approve plans for the alteration of a dwelling into a combined store and dwelling in a residence zone. When altered it was proposed to use the dwelling concerned as a butcher shop. The decision in this case is especially remarkable for the fine discrimination the courts are beginning to display in passing upon the legality of zoning.

Prior to adoption of zoning Paterson had been so afflicted by out-of-place building that practically every block in the city was spotted by some store or factory. The result was that to obtain any zoning at all, a considerable number of non-conforming buildings had to be created. It so happened that the relator's building was situated in a block in which there were several such non-conforming buildings. Next to it was a candy store. Next to the candy store was a grocery store. Further along in the block were still other stores.

The ordinance was attacked by the relator *in toto* as unconstitutional. In refusing to follow the relator in this respect the court was very careful to distinguish between a proper application of the zoning principle in districts exclusively residential or industrial and in districts of a mixed character which are neither one nor the other. "We are unwilling," said the court, "either to declare the statute under the authority of which the ordinance was passed unconstitutional, or the ordinance void *in toto.* There are many excellent features in zoning ordinances.

"The remedy of mandamus invoked in the present case . . . enables us to determine without passing upon the validity of all the features of the ordinance, whether or not the rights of the relator are invaded by the action taken in refusing to approve the plans submitted and to issue a building permit. We are of the opinion that the relator is deprived of a use of his property not necessary for the preservation of the public health, safety and general welfare. The relator has established, in the locality in which he has purchased the residential property he desires to alter into a combined store and dwelling, a butcher business. Properties adjacent to the relator's are used as stores. There are in the immediate vicinity candy shops, grocery stores, bakeries, a tailoring establishment, etc. Should the relator be forever restricted to the use of his property for residential purposes when the owners of adjacent properties have the privilege of using their properties as stores? The proximity of the stores would probably lessen the rental value of the relator's property for residential purposes. The property could not, therefore, be used for the purpose for which it would yield the best return. There is no testimony in the record to show that the proposed use of the relator's property is detrimental to public health, safety or general welfare. The prohibition of the intended use of the property is not, in our opinion, a valid exercise of the police power."

The decision suggests that the courts are anxious to go as far as they can in sustaining zoning. Their desire in this respect is, however, not going to prevent them from testing the reasonableness of every zone boundary line when it appears that it cannot be sustained as a valid exercise of the police power.

This is very strongly suggested in this case for the court by implication upheld the constitutionality of the ordinance as a whole while it at the same time held the application of the zoning regulations to a particular piece of property unreasonable. Herbert S. Swan.

✢

New York Charter Revision Commission Reports Under Unauspicious Conditions.—New York City has had no comprehensive charter revision since 1901. There have been several unsuccessful attempts and apparently the usual fate awaits the report just published by the New York Charter Revision Commission.

The commission has done a careful piece of work under difficult circumstances. The basic proposal is to give the city a greatly enlarged measure of self-government. The charter proper would begin with a broad grant of home rule powers followed by a detailed grant of specific powers. These powers would be sufficiently comprehensive to transfer a great mass of local legislation from that state capitol to the city hall. The two most peculiar features of New York city government, namely the powerful board of estimate and apportionment and the borough presidents, would be retained.

The borough presidents were established as a compromise with the principle of centralization when the greater city absorbed Brooklyn and other separate communities. They sit on the board of estimate and have important administrative jurisdiction over highways, buildings and sewers. The system is often criticized but is politically popular.

The board of estimate has appropriating and other functions suggestive of a commission form of government but the heads of departments are mostly appointed by the mayor. It has an excellent form of procedure and most New Yorkers agree with the commission that it should be retained. The same can be said as to the large powers of the comptroller and the definite executive responsibility of the mayor. Some New Yorkers see the advantages of the city-manager plan, but the community is not ready for it.

The proposed charter prescribes the election of members of the board of estimate and of the board of aldermen and gives to the two boards some concurrent and some separate powers, residual legislative jurisdiction remaining in the board of aldermen as a single legislative chamber subject to the mayor's power of veto.

With the exception of the bureaus under the borough presidents and a few specified departments under the mayor, such as police, taxation and civil service, the whole administrative structure would be fluid in the sense that bureaus and departments could be set up, abolished or consolidated by local action without amendment of the charter itself. The departmental structure and rules of procedure would ultimately be provided for in a locally adopted administrative code.

The proposed charter, however, contains fairly detailed financial requirements in regard to budget making, appropriations, taxation, local assessments and bond issues. A number of detailed changes are recommended, such as absorption of the duties of the sinking fund commission by the board of estimate, placing of all revenue collecting in one department and setting up of a board of tax review outside the department of taxes. The board of estimate and board of aldermen would be given powers which they do not now have over the salary schedules of county employees in the five counties within the city. The board of estimate would have greatly enlarged powers for going into revenue producing undertakings. There would also be new home rule jurisdiction to classify and determine the valuation of private property for the purposes of taxation.

Recognition is given to the principle that public education is a subject for state regulation even though it is still to be paid for chiefly by local taxation. A somewhat greater degree of financial independence for the school system is proposed, stopping short, however, of the exercise of separate taxing powers.

The report reflects the almost universal demand among New Yorkers for more self-government. But it reflects also the current misgivings about the ability of the board of aldermen as now chosen to adequately meet its greater responsibilities. In this connection a notable feature is the strong plea for the principle of proportional representation, which, however, might require an amendment of the New York constitution. Raymond V. Ingersoll.

⁂

Wyoming Manager Law Constitutional—Strange Method of Electing Council.—Two years ago the Wyoming legislature passed an act providing for the commission-manager plan of city government. Any municipality which had a population of 1,000 or more might, by popular vote, adopt the plan. The law contained the usual provisions of such statutes in regard to the choice of the manager and the fixing of his salary. A number of the voters of the city of Sheridan, in accordance with the procedure provided for in the law, petitioned the council for a submission of the question of the adoption of the plan to the voters. On advice of the city attorney the council refused to call the election. A suit in mandamus was filed in the district court of Sheridan county to require the council to call the special election. The district court certified the case to the supreme court for decision on certain reserve constitutional questions.

Before the supreme court R. G. Diefenderfer, the city attorney of Sheridan, questioned the validity of the act on the grounds that:

1. It created a new class of municipalities, the state already having more than its constitutional quota.

2. It was not and could not be of uniform operation throughout the state.

3. It permitted, contrary to constitutional prohibition, the choice of a non-resident as city manager.

4. It failed, in spite of constitutional requirement, to fix the salary of the manager. In its decision the court held that the act did not create a new class of municipalities, but left the cities adopting the plan in their respective classes. So far as the law might be adopted by any city of a class it was uniform in operation. Since only municipalities of 1,000 or more of the second class might adopt the plan, the statute was void so far as this whole class was concerned, but valid for the other classes.

The Wyoming constitution requires that all those who hold office in the state must be qualified voters. It was granted that a city manager is an officer. Since, therefore, the act permitted the choice of non-residents as city managers, that part of the law was held void by the court.

The state constitution also provides that salaries of officers must be fixed in the constitution or by statute. The act delegated the fixing of the salary of the city manager to the city council. And so the court held that such provision must be made in the law.

Finally, the court held that the act was valid except for the indicated provisions.

To meet the objections of the court an act was passed by the 1923 legislature under which any city or town may adopt the city-manager plan. According to this law the council may employ as city manager one who is a resident of the state and whose salary conforms to the act. The salary varies with the size of the municipality, from $1,800 in towns with a population of less than 2,000 to $8,000 for cities with a population of more than 25,000.

Sheridan and Caspar were the cities that showed the greatest interest in the commission-manager plan two years ago and these cities will, very likely, take a new interest in the matter of adoption with the new law on the statute books.

An interesting feature of the new city-manager law is that provision is made for the choice at a mass meeting of five electors by the voters in their respective wards. These electors at a common meeting select three councilmen for each ward to act as the city council, seemingly a very cumbersome piece of machinery.

Henry J. Peterson.

II. CITY-MANAGER NEWS

By John G. Stutz

Executive Secretary, The City Managers' Association, Lawrence, Kansas.

A New Standard for municipal government is being set by commission-manager government. Citizens in hundreds of cities are comparing the services received per tax dollar spent in their cities with the services per tax dollar spent in commission-manager governed cities. The success of the city managers in giving sufficient public service for a price the citizens can afford to pay is winning for the plan the distinction of being a pace-setter in municipal government.

✤

Ninth Yearbook Ready for Distribution.—The Ninth Yearbook of The City Managers' Association is ready for distribution. It contains the proceedings of the annual meeting of The City Managers' Association held in Kansas City, November, 1922; a directory of the city-manager cities, the city managers and their salaries, and other tables showing the growth and the development of the city-manager plan. A special feature of the Ninth Yearbook is a section devoted to city administration in ten representative city-manager cities in the United States and Canada. An article of 2,000 words illustrated by pictures and charts has been written on the city management in each of these ten representative cities. The Yearbook shows 310 cities operating, or pledged to the city-manager plan of government on April 1, 1923.

✤

City Manager A. M. Wilson has saved the city at least $5,000 on two bridge jobs recently completed by using city labor. It is estimated that this method saves from 25 to 33⅓ per cent on the contractor's estimate.

✤

City Manager P. C. Painter of Greensboro, North Carolina, has effected a number of savings in the cost of government during the past year. The four outstanding developments were: A financial policy, the organization of a health department, the making of a comprehensive topographical map, and the establishment of the city-planning and zoning policy. By issuing short term notes, which enabled the city to hold up an issue of a million and one-half dollars worth of bonds, the city was finally able to get a more reasonable interest rate and thereby save $212,000 for the citizens.

City Manager Fred P. Harris of Escanaba, Michigan, has succeeded in reducing the water and the electric light rates 15 per cent, and the gas rates 25 per cent. These utilities are still yielding a profit of $100,000 per year.

✤

A Special Election will be held in Grand Rapids, Michigan, for the consideration of certain amendments to the city charter. The proposed amendments would seriously hamper the administration of the city-manager plan as it now operates.

✤

Berkeley, California, will begin operation under the city-manager plan July 25, 1923.

✤

Longview, Texas, adopted a charter providing for the commission-manager plan on February 20, 1923. The charter provides that the city manager must be an engineer.

✤

The Citizens of Bartlesville, Oklahoma, turned down a city-manager charter on March 12. It is reported that a hot contest between two factions in the city for control of the government overshadowed the issue of the form of government and caused its defeat.

✤

South Carolina Cities with populations between 20,000 and 50,000 will be permitted to adopt the city-manager plan of government through authority granted them by the recent legislature.

✤

N. A. Kemmish, city manager of Alliance, Nebraska, holds a good record for consistent salary increases. He was employed at $5,000 per year and has received a raise of $500 each year for three years.

✤

Seattle, Washington, is making another attempt to secure commission-manager government. Fifteen freeholders are to be elected at a general city election on May 8, with instructions to prepare a new charter for submission to the voters in the spring of 1924.

✤

The Following Cities are considering the city-manager plan of government: Wheaton, Illinois;

Venice, California; Nahant, Massachusetts; Cleveland, Tennessee; Wellington, Kansas; Sterling, Colorado; Austin, Texas; Marshall, Texas; Beatrice, Nebraska; Santa Ana, California; Enid, Oklahoma; Spartanburg, South Carolina; Nebraska City, Nebraska, and Wellesley, Massachusetts.

✣

Mrs. Bertha Heidenfelder became the first woman city manager in the history of the city-manager movement when she accepted the position of city manager of Collinsville, Oklahoma, December 1, 1922. Collinsville is a city of 3,801 population. Mrs. Heidenfelder's previous experience includes three years as a deputy in the office of the former city manager. She receives a salary of $1,900 per year.

✣

Mrs. R. E. Barrett became the second woman city manager in the history of the city-manager movement when she accepted the position of city manager of Warrenton, Oregon, on March 27, 1923, at a salary of $3,600 per year.

Roy M. Wilcomb has been appointed city manager of Springfield, Vermont, at a salary of $4,000 a year.

✣

Clyde King has been appointed city manager of El Dorado, Kansas, at a salary of $3,600 the year.

✣

Mr. Paul B. Steintorf has been appointed city manager of Calexico, California, at a salary of $3,600 per year, plus $600 a year allowance for automobile maintenance.

✣

Willard F. Day has been appointed city manager of Staunton, Virginia, at a salary of $4,000 per year. He succeeds S. D. Holsinger, who has a record of twelve years as city manager of Staunton.

✣

Charles Hess has been appointed city manager of McAlester, Oklahoma, at a salary of $3,600 per year.

III. MISCELLANEOUS

The Baltimore City Club has begun what promises to be a successful campaign to sell $250,000 worth of stock in the new city club building. The building will cost $700,000.

✣

The Chicago City Club has emerged victorious in a campaign for 1,000 new members. The American City Bureau assisted in the campaign.

✣

The Detroit Bureau of Governmental Research has again published what has come to be an annual report on the city budget. It is a condensed and popular review of the mayor's budget estimates as submitted to the council. The functional purposes of the various appropriations are explained for the benefit of the average citizen.

✣

Los Angeles Public Defender.—During the year 1922, according to the report of Mayor Cryer, the city police court defender of Los Angeles, represented in the police courts a total of 2,504 persons. In addition to representing persons in court this office gives advice and legal information to those in the city jail who are unable to consult private attorneys.

Frank B. Williams has offered a prize of $250 to students in any department of Harvard University for the best essay on the laws and regulations relating to platting of land in the United States as affecting the desirability of lots for dwelling purposes. The judges are Albert S. Bard, Thomas Adams and Nelson P. Lewis.

✣

New Book on the Merit System.—The government research division of the University of Texas have just published a book of 114 pages from the pen of Mr. B. F. Wright, Jr., entitled, "The Merit System in American Cities," with special reference to Texas, which will be found a ready source of information upon the application of the merit system in state government.

✣

The Philadelphia Bureau of Municipal Research has published a study of the cost of a workingman's standard of living in Philadelphia at March, 1923, prices. The pamphlet is designed as a supplement to the volume earlier published by the Bureau entitled, "Workingmen's Standard of Living in Philadelphia."

✣

Baxter Durham, state auditor of North Carolina, has recommended to Governor Morrison a reorganization scheme for the administrative departments of the state by which the 66 existing agencies would be combined into 16 major departments.

✢

A State Park Bond Issue.—Measures have been introduced into the New York legislature calling for a bond issue not to exceed $15,000,000 for the acquisition of lands for state park purposes, for permanent improvements and betterments within state parks, and for parkway connections. The bill, if passed, will be submitted to the people at the general election in November.

✢

How Theatre Crowds Congest Times Square.—There has developed in the New York theatre district a very awkward, almost alarming, situation. Mr. Nelson P. Lewis, chief of the physical survey being conducted by The Plan of New York and Its Environs, points out that between 38th and 51st Streets and between 6th and 8th Avenues there are no less than 78 theatres. Their combined seating capacity is 95,294. Forty-four of them, with a seating capacity of 55,911, are within a circle having a radius of 1,000 feet from the center of Broadway and 42nd Street. Assume for a moment that of the 56,000, 35,000 come from the Times Square Station between 8.00 and 8.30. From this station Interborough and Brooklyn Rapid Transit trains run both north and south, while a shuttle train runs to the Grand Central Station and the east side Interborough line. If these 35,000 people were equally distributed between these five routes, it would mean that 7,000 people would have to be accommodated by each. Now if two-thirds of this total arrived between 8.00 and 8.15 and one-third between 8.15 and 8.30, it would mean that 4,700 people would arrive from each of these five directions in the latter quarter of an hour. The performances are over very nearly at the same time and the period during which the crowds wish to reach the subway trains is considerably shorter. Let us assume, however, that they will be obliged to occupy the same half hour in dispersing. A ten-car train, loaded to capacity, holds about 1,300, while with all the standing room occupied to the limit of decency, it will hold 1,000. If, then, such ten-car trains left in each of these five directions every three minutes, it would mean that 940 passengers would try to crowd into these trains without regard to the number already in them. The conditions are even worse than this as the shuttle trains, while they start from the Times Square Station and may be available for the theatre crowd, are generally made up of less than one-half the number of cars assumed for the other trains.

The practice prevailing in London of issuing building permits for structures containing places of public assembly only after reports from the police and fire departments as to the effect upon traffic and fire hazard might have prevented the conditions to which attention is called.

✢

The Function of the Engineer in Government.—"Among all the engineering works that have contributed to the reduction of sickness and death and the accompanying suffering and heartbreaks, probably none equals public water supplies—at least not on the North American continent. Probably sewerage systems come next, but if so then it is the quick removal of human excreta from our houses and yards and streets rather than its final disposal that deserves the credit. Plumbing, except as means for distributing water to points of use and removing it after it has been soiled, seems to have but a minor relation to health. Garbage collection is more a branch of municipal cleansing or housekeeping than of health, except where garbage uncollected attracts flies that have access to privies, or rats that may spread plague. The final disposal of garbage is still less a health matter. The character of paving and of street cleansing, it seems to me, has far more of a bearing upon public health than has garbage collection or disposal. Where mosquitos and malaria or yellow fever prevail, engineering works in the nature of land drainage are generally the best and cheapest means of control.

"House and building design and construction, with particular reference to air, warmth and light, dryness, the saving of labor for housewives, and general convenience play their part in public health. Heretofore, these things have been regarded as the function of the architect, but for years now we have had heating and ventilating engineers, while in various ways the engineer is becoming more and more concerned with the construction of houses and other buildings. From the engineer we may expect a reduction in the cost of housing that can come only from the introduction of labor and material saving through systemization, quantity production and like engineering methods. With a reduction in the cost of shelter may be expected a relief from the overcrowding and other evils that undermine health and spread disease. This brings us to housing in its broader aspects, of which no more need be said than that it is a part of the new science of city planning, including zoning, which after so many long years of unfortunate and shameful neglect is now beginning to receive some part of the attention which it so richly deserves.

"I believe it is to city planning and its results that we must look for much of the future improvement in public health and particularly for a further reduction in the general death rate in so far as these depend upon engineering work; a reduction traceable not so much to any one readily specified measure as to improvement in many interrelated causes that go to make up community convenience, comfort and mental and physical health."—From a lecture on Engineering and Public Health delivered by Mr. M. N. Baker, before Johns Hopkins University and Boston Society of Civil Engineers.

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NATIONAL MUNICIPAL REVIEW

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COMMENT

Against Cabinet Government

In England the labor party is revolting against cabinet government claiming that it restricts the proper freedom of parliament. This is extremely interesting in view of the sentiment in this country for increasing the responsibility of the governor to the legislature through the introduction of some form of the parliamentary system.

The resolution now being considered by the labor party provides for the abolition of cabinet government in favor of government by committees, the chairmen of which would correspond to the present ministers. This is analogous to the form of municipal government in England.

*

Annual Meeting of Governmental Research Conference

The Governmental Research Conference of the United States and Canada will hold its next meeting in Minneapolis, June 13 to 16. As our readers are aware, the Conference is the organization of the various bureaus of governmental research. F. P. Gruenberg, director of the Philadelphia Bureau of Municipal Research is chairman; Harold L. Henderson of the Citizens Bureau of Milwaukee is vice-chairman and Charles B. Ryan of the Municipal Research Bureau of Cleveland is secretary-treasurer.

Meetings of the Conference are always animated and helpful and a large attendance is expected. F. L. Olson of the Minneapolis Bureau of Municipal Research is in charge of the local arrangements.

*

One Reason Why Civil Service Is Not Always 100% Efficient

Readers of the REVIEW are fully aware that civil service commissions labor under serious handicaps due to insufficient appropriations. The trouble is, of course, that the legislative bodies, in nation, state and city, are at bottom hostile to the idea underlying the merit system. The merit system is all right, they reason, but it must not be applied to the detriment of the legislators' political ambitions.

So it is rendered innocuous by under nourishment. An extreme and cruel case has just come to our attention. The city commission of Tacoma, Washington, appropriated the shameful amount of $750 to carry on the work of the civil service board for the year 1923. This allows the board to employ only a part time clerk, and prevents it from giving any examinations whatever.

Before discarding the civil service commissions, it might be well to try them.

◆

A Notable Report on County Government

The report on county and township government prepared by the Joint Legislative Committee on Taxation and Retrenchment of the State of New York is an attractive volume of 310 pages and should be secured and read by all who are interested in county and local government. The research staff, in fact responsible for the report, was furnished by the National Institute of Public Administration, Dr. Luther Gulick, director. It is based upon an exhaustive field survey of various typical counties in the state and forms a distinct contribution to our meager stock of concrete information as to how county and rural governments operate.

The subjects investigated include the organization of county and village government, the local administration of justice, county welfare work, local tax administration, highway administration, financial planning and control, and personnel management. The committee has not been sparing in criticism of existing conditions, which it finds generally far from satisfactory. Neither has it been timid in proposing remedies. Indeed the surprising thing is that a legislative committee, in view of the close relationship of the state legislature to county politics, should have the courage to go as far as this committee has gone. It is another evidence of the compelling power of facts. A more extended review of the report will appear in the next issue. Copies may be obtained from Gerald Casey, Senate Chambers, Albany, N. Y.

A New Public Service

The Architects' Small House Service Bureau of the United States, the organization of which was reported in the Review more than a year ago, is now functioning and is able to provide prospective builders of small houses with working plans and specifications at nominal cost. The Bureau is controlled by the American Institute of Architects and is organized on a non-profit making basis. Architects contribute their services in drawing plans at small fees and these plans are then made available to all.

To date the Bureau has published two books bearing the same title, "How to Plan, Finance and Build Your Home." One contains 102 plans of all types and kinds of houses adaptable to all localities and ranging in size from three to six rooms. The other contains 50 plans. They can be purchased for $2.50 and $2.25 respectively from the national headquarters, Minneapolis.

In addition to the plans, the books contain articles invaluable to one who would build a home. Typical subjects are how to choose a location, how to finance the building, what types of heating and plumbing to install, how to wire for electricity, interior decoration, etc. In addition to these books the Bureau publishes a monthly magazine, subscription rate $1.50 a year. It is not interested in homes larger than six rooms, and advises all who would build larger to employ their own architect.

The build-your-own-home movement has given rise to various sets of hand-me-down plans but none that we have seen are as delightful and practical as these. The work of the Bureau will be exemplified in better, more economical, and more artistic homes; and who will say that America does not need these.

SIGNS LEAVE A FEW SCENIC OPENINGS

LONG DISTANCE COMMUTERS BETWEEN NEW YORK AND PHILADELPHIA ORGANIZE CLUB SO THAT MEMBERS MAY SLEEP BETWEEN GAPS

"They say that the line 'Man's inhumanity to man makes countless thousands mourn' was written many years ago by an English poet," remarked the older traveler over the Philadelphia to New York route of the Pennsylvania, "but I've always felt the writer must have ridden over this line at some time, he so completely expresses the cruelty of planting these hideous advertising signboards along the tracks, making countless thousands of travelers mourn because they can't see the beauties of the country."

"Ye-eh," agreed the younger traveler who shared the seat. "You ought to join our Scenic Censor Club. We manage it so that we can get interludes of scenery at least between the signboards."

The eyes of the younger traveler who had just spoken had remained tightly closed since leaving Manhattan Junction. Yet he did not appear to be courting slumber. As the signboards ended and a stretch of open country was revealed his eyelids popped open.

"Country's looking beautiful this year," he commented. "The rains have kept things as fresh as May."

CLOSES EYES AS SIGNS APPEAR

The train swung by a stretch of woods where pink wood honeysuckle peeped out from rich banks of varied foliage and ferns.

"Glorious!" commented the younger traveler.

To the surprise of the older traveler his companion's eyes closed, even as he finished this remark. He leaned back, relaxed, against his seat.

"Those beastly signs!" groaned the older traveler. The train was flying by a stretch of meadow whose beauty was entirely destroyed for the traveling public by the gigantic signboards.

Exactly at the moment when these monstrosities were passed the younger traveler opened his eyes.

"Very pretty little spot," he remarked as the train rounded the rose-bordered stretch opposite Princeton Junction.

"Say, look a-here," demanded traveler No. 1. "How do you always manage to fall asleep while we're passing the advertising horrors and awake the second we've passed them?"

"That's the Scenic Censor Club," explained the younger traveler complacently. "Didn't you hear Bill Jones whistle? Bill's our lookout. When he sees the signboards at hand he whistles once. When the signboards are passed and the scenery commences he whistles twice. Some of us who travel a lot by this road and like to look out at the grass and trees without running up against the signboards spell each other in taking the lookout. Bill's on duty to-day and I'll serve next trip.

ALL BUT ONE CAN ENJOY TRIP

"Each trip all of us but one is guarded against the signboard nuisance. We relax and close our eyes while the signboards are in view and look out again when we come to the scenery. Of course between Princeton and Trenton there isn't much but signboards, so we lie back with our eyes closed until Trenton is passed."

"But what will you do when it's solid signboards all the way from New York to Philadelphia?" asked the older traveler.

"What'll we do?" repeated his fellow traveler. "We'll have to sleep all the way or at least keep our eyes closed. Life will be one long tunnel if it comes to that."

Ed. Note.—Reprinted by permission from the New York *Sun*.

KANSAS DECISION BROADENS LAW OF ZONING

BY GEORGE SIEFKIN, ESQ.
Wichita, Kansas

The Kansas supreme court has sustained the exclusion of retail stores from residential districts. The opinion states that "there is an æsthetic and cultural side of municipal development which may be fostered within reasonable limits." :: :: :: :: :: :: ::

Can a drug store, meat market, grocery store or like commercial building be lawfully excluded from a residential district by legislative enactment? The supreme court of Kansas, in a decision rendered in March, answers this question in the affirmative.[1]

The case appears to be the first clear-cut decision in the United States in which a commercial building has been excluded from a residential district solely upon the ground that it is a commercial building, and marks another step forward by a court of last resort toward the recognition of the æsthetic as a basis for the systematic development of a city and the maintenance of property values.

BUILDING PERMIT ORDERED UNDER COMMON LAW

Ware owned certain lots in the residential district of Wichita, upon which he desired to erect a one-story, cement block building running to the sidewalk in the front and to the property lines on the side. He made application for a permit to build in due form, to the proper officials, who refused to issue such permit on the ground that the zoning ordinance, which would soon be passed, would prohibit a commercial building at that location. He thereupon brought an action in mandamus and the city brought an action to enjoin the erection of the building, alleging that it constituted a common law nuisance. Ware prevailed in both actions before the trial court, the injunction being denied and the permit ordered issued.

Within a very few days thereafter, and before any material work was done on the premises, the zoning ordinance was passed and the city brought a second injunction suit setting up the ordinance and the statute authorizing it.

It is to be noted that Ware at no time specified the exact use to which the building should be put, stating only that it would be rented for a grocery store, drug store or like commercial use, to be determined later.

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[1] *Ware* v. *City of Wichita*, 112 Kan. —

The case thus presents two decisions involving this property. In the first, the court found that the adjoining property owner had no relief at common law. In the second, under legislative enactment the result was different.

While recognizing that "some conjectured but not yet existent oppression" might arise under such an ordinance which should be "judicially dealt with in due course," the Kansas supreme court, in a unanimous decision, upheld the validity of the legislation, saying:

> Cities may plan and create reasonable zoning districts for the future systematic development of the city, and provide therein for residential, commercial and industrial districts, and prohibit the construction of buildings at variance with such plan of development.

The court also held that there being no material change in the situation of the parties, that the zoning ordinance would control, notwithstanding the court decision ordering the issuance of a permit.

AESTHETIC FACTORS IN LIFE

What were the reasons given for the decision?

Judge Thornton W. Sargent, who rendered the decision in the lower court, said:

> While I think that the law and the ordinance in this case will now be upheld by our supreme court as constitutional, there is no doubt in my mind that twenty-five or fifty years ago such a law and ordinance would have been declared unconstitutional.
>
> . . . Conditions have changed in the last twenty-five years and the police power has been greatly developed in that time.
>
> The strongest objection made to the law and the ordinance, in the opinion of persons opposed to such law, is that it deprives persons of their property without due process of law and takes private property for public and private use without compensation. In my opinion the law and ordinance act in directly the opposite way. . . . Such a law and ordinance prevent a man from erecting a hovel or shack by the side of a beautiful residence and thereby depreciating its value. Heretofore the law has been careful to look after the man who put his property to the poorest use; under such a law and ordinance the law will protect a man who puts his property to the best use.

And in the supreme court, Justice Dawson, who wrote the opinion for the court, said:

> There is an æsthetic and cultural side of municipal development which may be fostered within reasonable limitations. Such legislation is merely a liberalized application of the general welfare purposes of the state and federal constitutions.

The opinion also quotes with approval the language of a Minnesota decision (*State* v. *Houghton*, 144 Minn. 13) as follows:

> It is time the courts recognized the æsthetic as a factor in life. Beauty and fitness enhance values in public and private structures. But it is not sufficient that the building is fit and proper standing alone; it should also fit in with surrounding structures to some degree.

A FAR STEP FROM THE DOCTRINE OF NUISANCES

This is a far step from the old nuisance doctrine under which the courts excluded foundries, slaughter houses, coke-ovens, glue factories and fertilizer plants, and even from this doctrine as it has been extended by the courts to include saloons, livery stables, cancer hospitals, undertaking parlors, billboards, garages and lumber yards. It would hardly be contended that a drug store or grocery store should be placed in the same class as a glue factory or a garage. The decision of the trial court in refusing an injunction before the zoning ordinance was passed conclusively denies that these businesses can be considered in the same class. For the same reason, the argument that about a commercial building there is danger of fire, contagion, unwholesome odors, noise or confusion, must also fall, for if such conditions do exist it would seem that they would be sufficient to justify the court in acting without legislative authority.

There can be no question but that the controlling thought of the decision is the "systematic development of the city" and the protection of property values in residential districts from destruction by encroachment of industries. The statement which follows the quotations above cited, that "a reasonable zoning ordinance has some pertinent relation to the health, safety, morals and general welfare of the community" can, in the light of the remainder of the opinion, only mean that the police power is being more liberally interpreted by the Kansas court to include the betterment of living conditions.

While the reasons for the decision as given in the opinion are interesting from a legal standpoint, the really important thing is the decision. By it new buildings erected are required to conform to existing residences, both as to frontage and as to yards. And, most important of all, residence property values are protected from destruction by commercial buildings of any kind or character.

IS P. R. CONSTITUTIONAL?

WITH SPECIAL ATTENTION TO THE OHIO DECISION

BY E. L. BENNETT

THE constitution of Ohio gives cities which adopt charters of their own framing all powers of local self-government, whereas those of Michigan and California give such powers subject to the provisions of the constitutions. This distinction would alone have saved the proportional representation provisions of the Cleveland charter from the fate which befell those of Kalamazoo and Sacramento. Both the court of appeals and the supreme court of Ohio make the distinction in rejecting the Kalamazoo precedent. In the opinion of the court of appeals it was the sole ground relied upon to sustain the charter, although the court discussed the effects and merits of proportional representation at some length,

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ED. NOTE: The Ohio decision supporting proportional representation in the new Cleveland Charter was delivered by Judge Florence E. Allen, who was elected to the supreme court of Ohio in 1922, after two years on the common pleas bench of Cuyahoga county. She is not only the first, and at this time the only woman member of a supreme court, but she is one of the youngest as well, being not yet forty. Her first decision, discussed in the following article, reveals judicial ability of high order, in the analysis and cogent statement of the issues in the case. Her discussion of law affecting the validity of P. R. is much clearer and more comprehensive than anything in the far longer decision of the Michigan court. She is skillful in the use of precedents, but she is not fully controlled by them. She exhibits a very salutary disposition first to examine the primary sources of the law. Her language can be read and understood with ease, and does not thereby suffer in clearness or power.

and with far greater equanimity than did the Michigan court.

BROAD HOME RULE POWER IN OHIO

In the decision of the Ohio supreme court the sufficiency of the home rule grant to endow municipalities with powers they could not have under the rest of the constitution is reaffirmed, with citations of numerous earlier Ohio cases. And Judge Florence Allen, whose first supreme court decision this is, availed herself of the opportunity to expound the home rule doctrine:

> To hold valid this system of voting adopted by the people of Cleveland is merely to carry out the plain meaning of the constitutional provision that municipalities shall have all powers of local self-government, and to give effect to the power that takes precedence over all statutes and court decisions,—the will of the people, as expressed in the organic law.
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> After all, is not the purpose of the home rule amendment to the constitution exactly this, that progress in municipalities shall not be hampered by uniformity of action; that communities acting in local self-government may work out their own political destiny and their own political freedom on their own initiative and in their own way; and with this purpose in mind, should not the enactment of political alterations in the structure and substance of a charter government be given every possible presumption of validity? There is a presumption that the enacted statute is valid. Not less should there be a presumption that changes enacted according to law in the organic constitution of a home rule city are valid.

The court might easily have rested its decision upon the home rule grant alone, and thus have avoided the question as to whether P. R. would have been constitutional in Ohio, if the Ohio home rule grant had been restricted as in Michigan. Indeed, some members of the court appear to think that the plenary home rule grant is the sole basis of the decision. But in the text of the decision the entire discussion of the home rule grant follows a "moreover," after a rather devastating criticism of the basis of the Michigan and California decisions.

THE RIGHT "TO VOTE AT ALL ELECTIONS"

The attack was made in each of the three states that P. R. violated that provision—substantially identical in the three constitutions—which entitles every qualified elector "to vote at all elections." The supreme court of Michigan and the California court of appeals found that P. R. does violate this provision, the violation consisting in this, that P. R. does not permit the elector to vote for as many persons as there are to be elected.

All the courts, of course, were aware that the elector may mark as many sequential choices on his ballot as he pleases. That only one of these choices can become effective seems also to be understood by all the courts, although the Michigan court betrays an incomplete grasp of the values of the successive choices by referring to them as "numerically dwindling and weakening." The Michigan court rejects these choices as not constituting votes in the sense required by the court in the Michigan cumulative voting case of 1890 (*Maynard* v. *Board of Canvassers*, 84 Mich. 228), and in the Ohio restricted voting case of 1874 (*State ex rel* v. *Constantine*, 42 O. S. 437).

The language of the Ohio decision most nearly bearing upon this point occurs in some paragraphs discussing the counting and effect of the P. R. ballots. Counsel for both sides had agreed that the P. R. ballot is counted only once, meaning thereby that it becomes effective in the election of only one candidate. The court makes a distinction to the effect that while it may become effective only once, a particular ballot is physically counted upon every transfer. Without attempting to establish any relative degree of effectiveness as between the P. R. ballot and any other, the court points out that there is no constitutional requirement as to effectiveness of any elector's vote, and that gerrymanders and other devices may greatly affect the value of particular ballots under the usual schemes:

> The vote of an elector may then under our present form of state and national government be shorn of its effect so far as the actual election of the elector's candidate is concerned, without invalidating the method of election.

The court then narrows the question down to this: "Does the fact that the elector under this system votes a first choice for one officer only, there being from five to nine to be elected in the district, violate the provision of Article V, section 1 of the constitution, that every elector shall be entitled to vote *at all elections?*"

The California court of appeals had found violation, relying largely upon the force of the precedent set by the Kalamazoo case. The Kalamazoo case, aside from fulminations of the court's dislike of P. R., was based almost entirely upon the force of the precedents set by the Maynard cumulative voting case in Michigan and by the Constantine case in Ohio. The Maynard decision relies upon implications read into the Michigan constitution by the court, but cites the Constantine case with approbation. Very naturally, therefore, the attack upon the Cleveland charter sought to maintain the Constantine case as an authority binding upon the court against P. R.

In the present case the court first answers the question it had posed from the text of the constitution without regard to precedent:

> On the face meaning of this section, the Hare system of proportional representation does not violate the Ohio constitution, for the elector is not prevented from voting at any election. He is entitled to vote at every municipal election, even though his vote may be effective in the election of fewer than the full number of candidates, and he has exactly the same voting power and right as every other elector.

As between this face meaning and the doctrine of the Constantine case insisted upon by the plaintiff, the court recognized that the Constantine case "is certainly an authority against" the Cleveland charter. "*State ex rel.* v. *Constantine,* however, extended the plain language of the constitution far beyond the word meaning of the provision contained in Article V, section 1. To the clause 'shall be entitled to vote at all elections,' it added a clause—'and for a candidate for each office to be filled at each election.'"

The facts in the Cleveland case did not, however, require the court to say explicitly, "We reverse the Constantine case," and the syllabus does not mention the arguments upon this point. Ordinarily such unequivocal language as that in the body of the decision would be taken as overthrowing the doctrine of the Constantine case. But, curiously enough, it appears that some of the court are averse from recognizing the impairment which the Constantine doctrine suffers from the language quoted. Judge Jones wrote a very brief concurring opinion to assert that as to municipalities not operating under home rule charters the Constantine case "has not been overruled and its principles still apply." Judge Robinson, the sole dissenting member, expresses the same view, and objects that the home rule provisions of the constitution should be construed as subject to the Constantine doctrine.

The language of the two paragraphs last quoted cannot be reconciled with the decisions in the Kalamazoo and Sacramento cases, which rest very heavily upon the Constantine case. And if we take this language at its face value, as Judge Allen took that of the Ohio constitution, the Constantine case is itself destroyed, notwithstanding the expostulations of certain of Judge Allen's colleagues. It is hard to imagine that it could again enjoy the potency as an adverse precedent which it had in Michigan and California. This, being so, should at the same time blight the Kalamazoo and Sacramento cases, so far as their use as precedents in other states is concerned.

IS THE COUNTRY HEALTHIER THAN THE TOWN?

There is a general impression that the selective service law demonstrated the physical inferiority of the city man. But did war statistics really show this? And with respect to preventable diseases the country record is inferior to the town's. :: :: :: :: :: :: ::

I. THE PHYSIQUE OF THE CITY MAN GOOD IN SPITE OF WAR STATISTICS

BY RUFUS S. TUCKER

In his little volume entitled *The War with Germany*, Colonel Leonard P. Ayres declares that the examination of registrants under the selective service law showed the country boys to have made "better records than those from the cities." "One hundred thousand country boys," he says, "would furnish for the military service 4,790 more soldiers than would an equal number of city boys." Colonel Ayres does not indicate the figures upon which his conclusions are based, and the map which accompanies his book differs in many respects from the official reports of the surgeon-general and the provost marshal general. But statements of the same general tenor have been commonly made by other writers; hence it may be worth while to examine the statistical evidence upon which they seem to be based.

CROWDER BELIEVES COUNTRY BOY HAS ADVANTAGE

General Crowder, in his *Second Report*, declares that "a considerable physical advantage accrues to the boy reared in the country." This conclusion is drawn from the following table:

Men examined in selected urban regions	100,000
Men rejected	21,675
Percentage of rejections	21.68%

Men examined in selected rural regions	100,000
Men rejected	16,894
Percentage rejected	16.89%

The urban regions selected for this computation were in the cities of New York, Chicago, Philadelphia, Cleveland, Milwaukee, Seattle, St. Louis, Cincinnati and New Orleans; the rural regions were in all states and were chosen from those districts which had less than 1,200 registrants.[1]

The report of the surgeon-general states that "defects were found only eighty-seven one-hundredths, or seven-eighths as commonly in rural as in urban districts."[2] But in the same report it is explained that "part of this excess of defects in cities is probably due to the more critical examination by the physicians of cities, and to a more critical grade of examiners in the camps that drew from the more densely populated regions." In this case the line between rural and urban districts was drawn by classifying 204 cities of 25,000 or more inhabitants as urban and all other districts as rural. The actual number of persons examined was 1,336,906 in the urban and 2,427,195 in the rural districts; but only about one-half of these were re-examined at the cantonments. Consequently the difference in standards of examination between urban and rural examiners (if there was any difference) was not wholly corrected.

It would seem, however, that if the camp examinations were themselves uniform and unprejudiced the rural local examiners were more careful than those in the cities, for among the 681,749 men from urban districts re-examined at the camps 283,937 (or 41.65 per cent) were found defective; while among the 1,279,943 men from the rural districts re-examined at the camps only 456,367 (or 35.66 per cent) were found defective. At any rate a separate analysis of the results at Camps Devens, Upton, Dix and Grant shows that in each state contributing to these camps the proportion of men from rural districts found defective on re-examination was less than the proportion among urban men. The same is true if rejected men only are considered instead of all men with physical defects. We must conclude, therefore, that drafted men from the rural districts were in fact superior to drafted men from the cities in so far as physique is concerned.

URBAN MEN VOLUNTEERED EARLIER

Does it then follow, however, that the urban population as a whole, or even the urban male population of military age, is inferior to that of the rural districts? And if it does follow, is this inferiority the result of the urban environment, or of the methods of city life, or of the racial structure of the city's population? As to the first query it should be remembered that over 1,400,000 men volunteered during the war. These, we know, came in greater proportion from the urban states than from the rural ones, and very probably in greater numbers from the urban districts of each state. That the urban states furnished more than their proportion of volunteers is shown by the list of statutory enlistment credits allowed to be deducted from the gross quota of the first draft; also by the figures of voluntary enlistments to December 16, 1917, published in the *First Report* of the provost marshal general, and by the ratio of registrants in military service to the total number classified in all drafts as reported in the provost marshal general's *Final Report*. Exceptions to the rule are Michigan, Illinois, Ohio and Connecticut, urban states which had fewer volunteers and several rural states which had more than the average proportion of voluntary enlistments.[3]

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[1] In his *First Report* General Crowder presents a table based upon 79,000 physical examinations from ten different states. This shows a ratio of rejections amounting to 28.47 per cent in urban and 27.96 per cent in rural districts. The urban districts, in this instance, are in cities of from 40,000 to 50,000 population with no large proportion of alien immigrants; the rural districts are counties in the same states containing no city of 30,000 or more.

[2] *Defects Found in Drafted Men* (Washington, 1920), p. 348.

It is a well-known fact, moreover, that the National Guard, on account of the location of its armories, was mainly composed of urban men, and it is very likely that the easier access to recruiting stations caused city men to enlist in the army or the navy in greater numbers than men from the rural districts.[4] A slight allowance for these factors would bring the physical showing of the cities to a parity with that of the country.

At any rate the physical inferiority of the urban to the rural population of the United States is by no means conclusively established by the figures which the military authorities compiled during the war. These figures leave out of account the very large number of voluntary enlistments, federalized national guardsmen, voluntary enrolments on the inactive list of the navy, and commissioned officers. Were these included it seems highly probable that the showing made by the cities would be much better. There is no conclusive evidence in the draft statistics that urban life is less healthful than rural life or that the average city man's physique is inferior to that of his fellow countryman on the farm.

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[3] Oregon, Maine, Utah, Wyoming, Vermont, Kansas, Idaho, Nebraska, South Dakota, Missouri, Iowa, Wisconsin, and Minnesota.

[4] General Crowder in his volume on *The Spirit of Selective Service* (pp. 166–167) alludes to the fact that voluntary enrolment on the inactive list of the navy kept many thousands of city youth out of the draft in the early summer of 1918 while the rural boys stayed on the farm until drafted. There can be little doubt, moreover, that a very large proportion of the officers, especially in the technical branches of the service, came from the cities.

II. RURAL COMMUNITIES SUFFER MORE FROM PREVENTABLE DISEASES

BY CARL E. McCOMBS, M.D.
National Institute of Public Administration

The great difficulty in attempting to draw comparisons between the health status of rural and urban dwellers on the basis of statistics alone is that the available statistical data on population, disease and defect cannot be correlated. For example, the report on population of the United States bureau of the census classifies as urban population that residing in cities and other incorporated places having 2,500 inhabitants or more and in towns of that size in Massachusetts, New Hampshire and Rhode Island. The report on mortality statistics of the census bureau, which covers only the "registration area" of the United States or 82.2 of the total estimated population, classifies as city population all that in municipalities of 10,000 or more. All other parts of registration states are considered as rural. The surgeon-general's report on the examination of men at the mobilization camps during the war drew the line between the cities and rural districts as follows: All counties having only one local board were considered rural districts and those having two or more local boards were considered as cities or densely populated counties. In other words, according to this report: "The line between rural districts and cities in our tables is drawn at about 45,000 inhabitants." It is obvious that any attempt to bring these statistical data into harmony is hopeless. There is indeed, as Mr. Rufus S. Tucker says in his article, "no conclusive evidence in the draft statistics that urban life is less healthful than rural life, or that the average city man's physique is inferior to that of his fellow countryman on the farm."

DISEASE MORE QUICKLY DISCOVERED AND TREATED IN CITIES

There is, however, conclusive evidence from other no less reliable sources, such as the reports on rural hygiene of the United States public health service and the documents of state departments of health throughout the country, that the health status of rural communities is far inferior to that of urban communities in so far as preventable diseases and defects are concerned. This is not to say that rural life is inherently more productive of preventable diseases and defects, but rather that due to lack of adequate organization of rural communities to prevent and correct them in childhood they are more prevalent and more lasting. The surgeon-general's report throws some light on this truth. Even conceding the utter impossibility of making proper comparisons between urban and rural communities as classified in the surgeon-general's statistics, it is at least significant that the prevailing rural defects of recruits were in the main those of a preventable or correctible nature. They were: infectious diseases; tuberculosis, all forms; venereal diseases, except syphilis; benign tumors; arthritis; nearly all nervous diseases; all mental diseases, except alcoholic psychosis; most of the serious diseases of the eyes; most diseases of the nose; respiratory defects, except pleurisy; ankylosis and non-union of fractures. Most of these conditions would have been early detected and more promptly and efficiently treated in an urban community equipped with all modern machinery for health conservation, — an efficiently organized municipal health service; good schools where children are instructed in hygiene and examined frequently for the detection of disease and defect; hospitals and dispensaries where treatment can be provided for all who need it, at public expense, if necessary.

COUNTY HEALTH DEPARTMENTS FOR RURAL AREAS

The question before rural communities to-day is not one of analyzing statistics. There is ample evidence to show that health progress in rural communities has lagged far behind that of our cities and that a greater toll of health and life is being exacted by preventable diseases in the country than in the city. When we say country, we mean, from the point of view of public health administration, cities or other communities of less than 10,000 inhabitants. A city of 10,000 inhabitants or more can afford and ordinarily does afford a reasonably efficient public health organization. Smaller communities cannot afford and do not generally have efficient health organizations. Towns and villages under 10,000 population throughout the United States show less administrative progress in health and otherwise than any other units of government. The solution of the problem of rural health lies in the creation of county health departments which will do for rural districts all that municipal health departments are doing for cities. We need no more evidence than we have to prove the health inefficiency of rural districts and the need for such county health organization. County health and welfare departments which will do for rural districts what municipal health departments are doing for our cities represent the next important step in public health progress.

RECREATION IN THE NATIONAL FORESTS

BY FRANK A. WAUGH[1]

At market rates charged by theatres, pool rooms, big and little Coney Islands, et cetera, the recreation now harvested annually from our national forests is worth millions of dollars. :: :: :: ::

The first important fact about recreation in the national forests is its inevitability. It is there. It could not be kept out. It is just as natural and necessary as water running down hill.

Take a map of the United States, or of Canada, or both, with the national forests all plainly marked. See how they cover the high ranges of the Rocky Mountains, the Wasatch, the Sierras, the Coast range, indeed most of the mountains of America. Quite obviously they include much of the highest, wildest and most remote territory within the national boundaries. By the same terms they must include the best hunting and fishing, much of the best mountain climbing, the best opportunities for camping and the most tempting country for adventure. Just to look thus at the map would make any healthy outdoor man or woman wild to pack up his old duffle bag and start for the national forests.

All these forms of outdoor recreation existed long prior to the national forests. First the aborigines hunted and fished there, then the white men came, and the white women, too; and so for centuries before there were any national forests, in a congressional sense, forest recreation flourished. In fact it is one of the inbred characteristics of the true American (or Canadian) to love the free outdoor life. This quality is an inheritance from generations of pioneers. It is a quality which lies deep in American character and will not readily accept denial.

It is pertinent to call up even older precedents. The fact is worth recalling that in ancient Britain, whence came our older ancestors, national forests existed. And in old France and in the yet older Roman state, national forests were ordained. Of course they were called royal hunting forests, meaning plainly that they were established and maintained for purposes of recreation.

A VALUABLE COMMODITY

With all this history in our bones, how could we keep out of the forests? Or why should anyone now, in these latter days, be surprised that forest recreation assumes large proportions? Yet there are still persons who think of such recreation as something quite incidental and hardly worth noticing. Certainly, they say, this is nothing which ought to be provided for in the constitution of national forests or in the plans of management!

However, it is a very easy theorem to demonstrate that the recreation now annually harvested from the national forests is worth millions of dollars. In proving such a proposition we need not appeal to any sentimental values of the noble mountains and whispering pine trees. We have only to compare forest recreation with commercial recreation, millions of dollars worth of which is bought and sold every day in the open market. To play pool, to attend the movies, to go to the opera,—these all cost money. Everybody knows the prices current on these forms of recreation. Take these same prices and apply them to forest recreation (which is surely just as good) and it becomes instantly clear that we are dealing with values which mount into the millions, and that these values are tested by the same standards which we use when we buy recreation for ourselves on Broadway or Main Street.

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[1] Contributed at the request of the American Civic Association.

It now appears that this national zeal for outdoor enjoyments, instead of diminishing as we get farther away from pioneer life, constantly grows. The number of persons seeking recreation in the forests is manifestly and rapidly increasing. The general coming of the touring automobile has had a great influence. The wide advertisement of the national parks has done much; for in general the parks are surrounded by forests, and when the tourist gets started he can't avoid the forests if he wants to.

SOME EXAMPLES

No one who has not been on the ground to see what is happening can have a very adequate notion of the proportions recently attained by recreation uses in the national forests. A brief description of a few characteristic examples may help, however.

Let us take the first example from the San Isabel Forest in Colorado. This territory of 598,912 acres lies on the eastern front of the Rockies facing Pueblo and Canyon City, Colorado. Here we have important industrial and coal-mining populations, for whom outdoor life is especially desirable. So local recreation associations have been formed to assist in the protection and development of the facilities offered, especially of the attractive camp and picnic grounds in Squirrel Creek Canyon and other canyons where precious water runs and good trees grow. Thus with forest play systematically promoted many thousands of persons visit the San Isabel every summer.

And not only the citizens of industrial Pueblo, but the farmers and grocers and preachers from all over Kansas, Oklahoma, and northern Texas. Here they come by thousands, borne by every pattern of flivver ever built. Most of them have tents and bedding on the running boards, with coffee, bread and bacon in the tonneau; and they strike the mountains hard. They fly to the cool camping places, beside the singing water, and there they spread their tents for days and weeks. It is carefully estimated that 10,000 persons annually come to the San Isabel for this sort of thing.

A second type example may be found at Big Bear Lake in the Angeles Forest, east of Los Angeles. Here the Pacific Electric Railroad has built a summer camp for its employes. The camp occupies forest lands under a special lease which gives the campers every privilege they can properly use while still fully protecting the forest in the public interest. To this camp are sent all the railway employes, so far as they desire to go. Arrangements are made for sanitation, for group recreation, for boating, fishing, swimming. The management is such as to bring the cost down to very low figures. The attendance runs to several thousand annually, and the whole enterprise is considered to be a model of its kind.

Mount Hood, one of the most beautiful volcanic peaks in America, lies within the Oregon National Forest. It is so near to Portland, so beautiful, so impelling, so accessible, that many thousands visit it every summer, and even in the winter. The Mazamas, a club of ambitious mountaineers, make one or more ascents to the summit each year, taking up considerable parties. Those who shirk the whole climb may still go up far enough to walk about on the glacier fields; or they may go trout fishing in Iron Creek; or they may spend a week at Cloud Cap Inn at the top of the world. All these things are done. And more besides. There are Y. M. C. A. camps on the slopes of Mt. Hood, and the exceedingly popular public camp ground in Eagle Creek Canyon (about 150,000 persons annually visit this camp alone).

EAST AS WELL AS WEST

For a last example out of thousands which would serve, we may take a broad glance at the White Mountain National Forest in New Hampshire. Here we have the long-famous playground of New England. But 420,000 acres of the wildest and sightliest part of it now belongs to us all in perpetuity as a national forest. Of course the hotels are on private lands, and the Mt. Washington golf links are not in the forest; but the Presidential Range, and Tuckerman Ravine and the Great Gulf and Glen Elis Falls and dozens more of the choicest features of the region are actually part and parcel of the forest. These points of delight are visited annually by summer and winter recreationists to the number of about half a million.

These constitute only a few typical cases. There is not a forest of the 150 existing, nor any section of a forest within the 156,000,000 acres of the forest area, which does not echo annually to the laugh of some recreation seeker.

ADMINISTRATION A PROBLEM

Hereupon emerges the problem of caring for so many guests, friends and stockholders. Indeed there are here a whole series of problems brought forcibly into the calculations of the administrative officers who must protect and perpetuate the national forests. There are problems of trail making, fire protection, camp grounds, fuel supply, water protection, sanitation, policing and many more. These do not appear in the usual programs of forestry practice, but on the national forests they cannot be ignored. At least not now.

Obviously to attend to all these highly necessary matters requires time, brains, labor and money. Camp grounds cannot be policed, water protected from contamination, or safe trails built without involving expenditures under all these captions. In a good many areas the recreationists can be organized to do these things for themselves. In certain forests recreation uses return a revenue. The total amount now collected from this source is approximately $100,000 annually.

Unfortunately our fiscal system requires all such collections to be turned in to the United States treasury in Washington, whence it can never come out again without a congressional appropriation. Of course one might suppose that with recreation to the value of several millions of dollars being already harvested, with a much larger business already in sight, and with $100,000 in cold cash actually coming back to the treasury, congress would be eager to assist with adequate funds. That is one might suppose it if he knew nothing about congress.

CONGRESS PENURIOUS

As a matter of record congress has only very recently recognized this recreation as existing at all and has appropriated the extravagant sum of $10,000 a year to provide for it. This amounts to practically one sixth of one cent for each recreation visitor. This penurious attitude toward recreation is not new nor confined to congress. The same penny-wise policy is notorious in congressional dealings with the national parks. In fact the public at large has never yet recognized that recreation is a necessity of human life, to be counted into every budget, national or personal, just as matter-of-factly as food, clothing or education. And until the ordinary citizens are well soaked in this knowledge we cannot expect congress to hear of it at all.

This broad education of the American masses ought not to come hard considering the fact that the love of outdoor recreation is already a congenital gift of nearly all native-born sons and daughters. All that we require is a changed point of view. Our pioneer ancestors took hunting and fishing as a matter of course. The woods and streams were always open—always had been—always would be. It is only in this latter generation that we have begun to see that only fortunate persons can now go hunting, fishing, camping or canoeing, and that the forests are rapidly disappearing before the Moloch of industrialism. So we are aroused to save the forests, first and nominally in the name of this same industrialism, but latterly, more profoundly and more spiritually to save our heritage of open sky and clean water and invigorating woodland.

It hardly needs to be added that this education of ourselves to a better point of view is not the sole business of the national forests. The lead in this work is probably being taken by the national parks. But the national monuments, the state parks and forests and every free acre of wood or water which still remains, and also every acre of forest that is taken away, and every stream that is polluted, every lake that is despoiled, will teach coming generations that the forests were given for the highest human uses, so that if we would save ourselves we must save and love the forests.

GETTING AND KEEPING GOOD POLICEMEN

(A PRELIMINARY STATEMENT)

BY ARCH MANDEL

Director, Dayton Research Association, Inc.

Detroit's experiment with personality tests in selecting and promoting cops. :: :: :: :: :: :: :: :: :: ::

To the popular mind, a good policeman requires a handsome six feet of frame; and a willingness to work around in the rain and cold; and certain physical courage. The idea that high grade intelligence is necessary for the proficient performance of police service is not generally recognized.

THE POLICEMAN'S DUTIES COMPLEX

To be sure, detailed regulations govern and to some extent guide this semi-military work. But on the beat, the policeman must ordinarily act on his own initiative and solve his problems with little aid from his manual and no advice from his superior officers. He must decide in a moment when to warn and when to arrest. He represents the law of his city, state and nation, and must not allow violators to escape. Yet he must not trespass upon individual rights. The policeman is an information bureau. In certain neighborhoods he is, or should be, judge, counsellor and guide. The officer must be calm and courteous under trying circumstances. While on duty in his uniform he represents the state and the state cannot and does not take offense or use abusive language.

In brief, the really effective policeman must be strong, brave, intelligent, courteous and honest. To men possessing these qualifications cities offer a steady job at a moderate salary, some chance of promotion to more desirable positions, and sometimes a pension. On the whole, it is not an easy job, and with the increase in crimes in which guns are used, the position presents considerable elements of danger.

Under these conditions, how can police departments recruit properly qualified men and, of even greater importance, how can they keep them in the service? In the cities where civil service methods are in use, men with proper physical and character qualifications, who can pass an eighth-grade examination, are selected. Such examination, however, does not actually reveal a candidate's fitness and adaptability for the position. This is particularly true of the policeman's job as it is construed to-day.

The war has given great impetus to the use of mental tests of various kinds for measuring the mental calibre of individuals, but whether or not these tests are measurements of intelligence is beside the point for our purposes. They do indicate the comparative mental abilities or capacities of a group of persons tested.

MENTAL TESTS

In 1921, Superintendent William P. Rutledge of the Detroit police department asked the co-operation of the Detroit Bureau of Governmental Research in developing and applying tests of some type for the selection and promotion of patrolmen. Accordingly, the Bureau called in Professor L. L. Thurstone, then connected with the department of applied psychology of the Carnegie Institute of Technology, and had him organize a test which was given to 300 patrolmen who had been on the force a year, 50 sergeants, and 25 lieutenants. This test consisted of the Army Alpha, Freyd's picture test, and a personal history. The results of this experimental test had no immediate significance, except as a first step in solving a difficult problem. Superintendent Rutledge, believing that something useful could be developed along this line, has continued and extended such test with the aid of Dr. A. L. Jacoby, the psychiatrist in charge of the psychopathic clinic of the Recorder's Court.

The second experiment included the following tests:

Army alpha.

Pintner non-language group test.

Freyd's picture test, which portrays a collision between a street car and an automobile at a street intersection, and which the men are allowed to study for two minutes, after which it is removed and a list of 42 questions relating to the scene of the accident are asked.

A history of the applicant, secured through personal interview by the psychologists.

A neurological examination by the psychiatrist. This examination was given by Dr. Jacoby.

The use of these tests is in an experimental stage, and their effectiveness is still to be proven. The method employed for judging their value has been to check results obtained in the tests with service rating given the men by their superior officers. In doing this with fifty patrolmen at the close of their probationary period, it was found that those who received high scores in the tests given them as recruits in the training school also received high service ratings, and those who did very poorly in the tests received low ratings. Except for these two extremes, the correlation between service rating and test scores was not significant, except to show the absence of correlation.

Following these two trial tests, the police department adopted the policy of submitting every applicant, subsequent to his passing of the physical examination, to a psychiatric examination. It is hoped in this way to exclude immediately those applicants who are unfit for the job, to have indicated men of unusual abilities and fitness for the work, and possibly to discover in the men special aptitudes for definite lines of work in the department. The coordination with the service ratings will continue.

Whether the burden of proof should be placed upon the tests or upon the service rating is not certain at this point, but it is certain that the application of the latter must be improved greatly before it can serve as a basis for judging the value and accuracy of the psychiatric test. No doubt, continued experimentation will show the need for the development of tests better designed to reveal the qualifications required by policemen.

RATING FOR PROMOTION

So much for measures taken to secure properly qualified men for the service. What is being done to retain them? The salary of $2,160 for patrolmen is comparatively good, and the half-pay pension provision after 25 years of service is another feature designed to make the service attractive. In addition to adequate compensation, it is also necessary to treat men justly, to recognize merit and to reward it and in general to afford an equal opportunity to all for advancement.

To accomplish these ends, the Detroit department has adopted a rating scheme, by which members of the force are rated periodically by their commanding officers. (This form is displayed so that all may know what they are marked on.) These ratings are turned in to the promotion board, consisting of the superintendent, assistant superintendent and chief inspector, which, after further investigation and study of its own, recommends to the commissioner those eligible for promotion. This plan is in its early stages and its application requires considerable development and perfection. The chief difficulty lies in that each commanding officer marks his men according to his own standards, no two of these being directly comparable. This must be met by training all to evaluate patrolmen according to the standard set up by the department, as expressed by the questions of the rating form. However, already, the use of the rating form is impressing members of the force that merit and not pull is the basis of promotion. To prevent favoritism, commanding officers are held to strict accountability for their ratings, and are led to understand that their ability to rate properly is as much a test of them as it is of the men they mark.

Following is a copy of the rating form used:

1. *Physical Condition* (10)
   Does he keep in training ("in the pink of condition," or is he fat and lazy?
   Is he physically alert and aggressive?
2. *Neatness and Bearing* (10)
   Has he a military bearing?
   Is he neat and clean in his person and dress?
3. *Intelligence* (10)
   Does he write clear and complete reports, or is it necessary to interview him in order to get all the facts?
   Does he understand the meaning of orders easily, or does he require lots of explaining?
   Does he act with excellent, good, or poor judgment when he has no instructions to guide him?
4. *Discipline* (10)
   Is he truthful?
   Is he punctual?
   Is he respectful to superiors?
   Does he, in his work, get along well with fellow officers?
5. *Attitude toward his duty* (10)
   Does he take his work seriously and appreciate its importance?
   Is he courteous and good natured in the performance of his duties? (Or is he argumentative or grouchy?)
   Does he keep well posted on current orders and show eagerness to learn?
   Does he know the laws and ordinances?
6. *General ability* (10)
   Has he natural ability for police work?
   Is he a hard worker, or lazy?
   Is he thorough in his work or careless?
   Is he reliable in carrying out orders?
7. *Exercise of authority* (10)
   Does he exercise authority with judgment and due restraint or tend to abuse his power?
   Does he stand behind his actions or shirk responsibility (pass the buck)?
   Does he notice and report ordinance violations?
   Does he keep cool in emergencies?
8. *Preservation of order* (10)
   Is his beat well looked after?
   Does he keep his beat in good condition by working with the residents, or "raising hell" with them?
   Does he handle a crowd good-naturedly, or does he bully and quarrel with it?
   Is he helpful to the public?
9. *Handling arrests* (10)
   Does he exercise good judgment in disposing of minor cases?
   Does he make unwarranted arrests?
   Does he note and follow up suspicious characters?
   Has he ability to handle trouble-makers and fighters?
10. *Getting and presenting evidence in court* (10)
    Does he preserve evidence?
    Is he familiar with court procedure?
    Can he prepare a case for court?
    Does he present proper evidence clearly?

The following is the rating form turned in by commanding officers to the promotion board:

FORM NO. 1

DETROIT POLICE DEPARTMENT

Service Rating—Covering Period from . . . . to . . . .

. . . .
Name Rank

. . . .
Badge No. Kind of Duty Precinct

(Mark on scale of 10; excellent, 10; good, 8; fairly good, 6; poor, 4; very poor, 2.)

I. Appearance:	1. Physical condition	(10)	. . . . .
	2. Neatness and bearing	(10)	. . . . .
II. Intelligence:	3. Intelligence	(10)	. . . . .
III. Discipline:	4. Discipline	(10)	. . . . .
	5. Attitude toward his duty	(10)	. . . . .
IV. Efficiency:	6. General ability	(10)	. . . . .
	7. Exercise of authority	(10)	. . . . .
	8. Preservation of order	(10)	. . . . .
	9. Handling arrests	(10)	. . . . .
	10. Getting and presenting evidence in court	(10)	. . . . .
		(Maximum 100)	

Would you give this man an important independent assignment where he would have to rely on his own judgment in unusual circumstances? (Answer "yes" or "no.") . . . . . .

Have you given him any such assignments? (Answer "yes" or "no." If "yes," explain on back.) . . . . . .

Has this man done any unusual work which you believe should be placed on his record, either good or bad? (Answer "yes" or "no." If "yes bad" or "yes good," explain on back.) . . . . . .

Signed by: . . . .

Rank: . . . .

THE ADMINISTRATION OF THE FEDERAL RECLASSIFICATION LAW

BY ROBERT MOSES

Secretary, The New York State Association

THE so-called Sterling-Lehlbach bill reclassifying the federal employees was approved by congress in the last days of the session and signed by the president. The passage of this bill represents the culmination of a number of years' effort to bring about an improvement in personnel conditions in the federal service. The measure in its final form was in the nature of a compromise which aimed to reconcile all of the different proposals and points of view as to the preparation and administration of standard salaries and grades. The Federation of Federal Employees was largely responsible for the passage of the law.

The bureau of efficiency has, for some time, insisted upon a classification, administered by the bureau and based merely on overlapping salary grades. The civil service commission desired a functional classification based upon duties, under civil service supervision. Other groups interested in the federal budget system have urged that salary and wage control is an important part of budget control and that the bureau of the budget should administer the new classification and should recommend changes based upon its studies of the organizations of departments. The bureau of efficiency was supported by the chairman of the senate finance committee. The civil service commission had its supporters among reformers and among federal employees. The bureau of the budget, while not itself active, had many proponents. The final bill was drafted so that it provides a classification based upon duties, the overlapping salary ranges proposed by the bureau of efficiency, and administration of the new system by a board of three, including representatives of the bureau of the budget, bureau of efficiency and the civil service commission.

A COMPROMISE MEASURE

The Sterling-Lehlbach law, as already indicated, is a compromise measure. That is a truism. Everybody knows that it is. Everybody has had a hand in it, and in the end the three principal factions and points of view have been represented in the final draft.

It may be gratuitous to harp on this matter, but it is worth while to keep in mind what we are driving at, and that what we are getting is an imperfect instrument from any point of view, though it may be the best instrument we can get at the time.

Let us examine some of the most obvious results of this compromise.

In the first place, the descriptions of the duties of the different positions, or rather grades, upon which this whole classification depends are manifestly imperfect. I say "manifestly" because even a layman can read them and see that there is careless phraseology, there are indefinite phrases and, in one or two cases, repetitions in totally different grades. This is the result of submitting accurate definitions to amendment by careless and hostile people.

Then, there is another compromise in this law which has not proved successful in my experience. That is the arrangement of overlapping grades, a system under which instead of having each grade clearly differentiated from the next higher grade by having a totally different and higher range of salary and higher grade, you have overlapping salary ranges. This is done on the theory that sometimes an employee, a particularly efficient, plodding employee in a lower grade, is worth as much or more than an employee in a higher grade who is new at the job, and while more clever and ultimately more useful, is not at that time worth as much money. I do not believe that this is a tenable theory. It is a contradiction in terms to call a classification a classification if you have these overlapping grades, and I believe that experience will dictate a change in that respect before very long. However, it is not so serious as it might be, because there is a provision in the law for subdividing grades. This saving clause will make a great difference, but let no one be under any delusion that it is easy to operate. Those who have seen this device work in state governments and municipal governments, will extend their sympathy to the people who are going to operate it in Washington.

TO BE ADMINISTERED BY A BOARD

There is another compromise which I think is unfortunate, and that is that the administration is turned over to a board instead of having it fixed in an individual. All those who have studied or read about reorganizations of government know that the tendency is toward fixing the responsibility, toward unified responsibility, and so far as possible responsibility in a single individual as distinguished from a board. It was General Goethals who, in the brief time he was manager of the Emergency Fleet Corporation, said that all boards are long, narrow, and wooden. We have here a system under which there is not only a board, but a board composed of ex-officio members, who, in the nature of things, must have a great many other things to do in their proper capacity as heads of their departments, and there is no provision for a separate staff other than provision for an assigned staff, and for appeals in case of disagreement to the president.

In other words, we are going to have a great deal of debate, a great deal of dissolving of opinions, a great deal of compromise, where we ought to have executive decision. That is a thing which will surely prove in the end to be unwise, but, of course, it does not stand in the way of making a beginning.

Quite incidentally, this kind of administration is not in keeping with President Harding's general plan of departmental reorganization, or rather with the principles underlying that plan.

In spite of these compromises I think that any fair-minded person, I don't care how expert he is supposed to be, or how much he is involved in the detailed controversies that have led up to the final draft of the Reclassification Law —any such person must agree that its advantages greatly outweigh its defects. It is a step in the right direction. It is a step toward an equitable system of personnel control, toward a system of standard salaries, toward a proper system of advancement and promotion, and as such I think it should be accepted, with something approaching enthusiasm.

A SHORT, GENERAL LAW

After all, the actual administration of this law is the most important thing to consider. There are two ways of carrying into effect any great measure of this kind, or, I should say, any measure affecting a great many people. It is the old familiar problem that legislatures face, as to whether they are going to put a little clause in the constitution or into general law, leaving the rest to administration and departmental rules and regulations, or whether they will put it all in a very detailed law.

Without going into the merits or demerits of that particular problem so far as this bill is concerned, the fact is that we have a short general law. We have a law that incorporates only certain principles; we have a skeleton classification as distinguished from one with a lot of flesh and bone on it. That is a condition and not a theory. Now the minute we get a condition of that kind, obviously somebody has to provide a very complicated flesh-and-blood machine to make this skeleton work. That is going to be the big problem in this reclassification after the bill passes, that is, the administration of the law.

Of course, this law as a whole and pretty nearly everything in it has to be interpreted. Practically every paragraph, practically every clause, certainly every grade, every salary range, requires interpretation in one way or the other, and the new board of three are going to do the interpreting. Then, we have also the very complicated problem of allocating present employees to their proper grades; and then finally we have the third problem, the measuring of efficiency or setting up some standard of efficiency to govern increases within these grades. The third administrative problem is by far the greatest. The peculiar difficulty in this problem is not only the difficulty inherent in all efficiency schemes, but lies also in the fact that the so-called bureau of efficiency actually has devised a plan known as General Circular Number 6, which has been promulgated with official approval, which is presumably to be made effective and which must somehow be squared with the Reclassification Law.

EFFICIENCY RECORDS

The whole question of efficiency is one that has to be looked at in a common-sense kind of way. Everyone has some bright ideas on the subject of efficiency records. What most of the efficiency sharks need is the responsibility for operating the system. That is a great thing, to get a little of that responsibility. It changes a lot of ideas over night. What they need is a little of the treatment which is administered in political circles in Chicago and New York, where, if there is a contentious fellow with bright ideas in a district political club, the shrewd boss makes him the alderman.

In connection with all efficiency schemes we should bear in mind certain obvious facts. The reason why we have all this classification business and civil service and efficiency records, and all the other mechanical devices for controlling people, is because we have a lot of people to take care of. If we did not have a lot, we would not need these things. If there were only five or six people, it would not be so necessary to have this complicated machinery. Even in a large organization, you eventually get down to a relatively small group in which individuals are actually in competition.

Now, the further you go down the line, the closer you get in distinguishing between one individual and another individual, the more nearly you approach the system you have in a very small community or government, or very small business where you have only five or ten people, and where it is not necessary to keep elaborate records.

There is another fact which we must

keep in mind, and that is the great difference between government business and private business. There are certain incentives in both these kinds of business. There is the incentive of trying to do a good job, trying to do work well. Then there is the desire for promotion, desire for a better title, desire for higher pay. We have all these in both cases. But, in the case of business, in the first place we have much greater possibilities of bigger rewards, and, of course, we have the motive based on profit and loss, which does not exist in government.

Now, somehow or other we must build up in government a system of records and rewards that is a substitute for the profit-and-loss element and the high salaries and rapid promotion that come to a few exceptional people in private employment. I think that everybody will agree that a proper government efficiency system has to have certain requisites. In the first place, it has to be simple. That is the most important thing about it. There are a great number of people to deal with. They have to do certain things in their departments that are more important than keeping efficiency records. You cannot interfere with their ordinary duties in their departments. You cannot put too much of a load on the administrator. As to the research man, research is his regular work. That is the work in which he is really interested and really engaged, and that work is not going to be interfered with by a complicated efficiency-record system. That applies as well to women as it applies to men, and it applies to all departments and to all agencies. The efficiency record is a by-product, not the main output of the departments.

The trouble with most people who devise efficiency records is that they have nothing else to do. The result is that they build up a kind of Frankenstein monster that is liable to eat up the departments. I have seen actual cases where the keeping of these records took far too much time—not daily, but let us say only twice a year for a period of say ten days, and in those two periods no other work could be done. At any rate, so much work had to be done in the departments that the heads and subordinate heads had a complete alibi when they said that no regular business could be transacted while these records were being kept.

Another important thing about a proper efficiency record, I should say the most important thing about it, is that it must not be devised in such a way as to kill the incentives mentioned above. It must not be a hardship on the people who keep it nor on the people for whom it is kept. It must not kill their enthusiasm. It must not dampen their ardor. It must not be a thing that they look upon as a refinement of cruelty. It must not be so complicated and so mathematical that they cannot understand it. These are all obvious principles, and we have seen them at work.

SCHEME OF BUREAU OF EFFICIENCY

Now, measured by these principles, General Circular No. 6 of the bureau of efficiency is hopelessly defective. It is undeniably complicated. It is one of those mathematical schemes that is very hard to understand, and it has one outstanding defect that I think will have to be cured no matter what is done. It shovels all kinds of employees together and measures their efficiency as though they belonged together, when their duties are absolutely dissimilar and cannot be compared. That is an impossible arrangement.

There are two kinds of classifications of employees; one a classification by salaries alone. That is, you say, "we will have a salary range which we will call 'A.' That runs from $900 to $1,200. We have another one which we will call 'B,' running from $1,200 to $1,500" and so forth. Then you put in "A" all the employees who get between $900 and $1,200, or ought to get between these amounts, and so on through "B" and the higher ranges.

Then, there is a functional classification, based on similarity of duties and work, which needs no further description.

In the Reclassification Law there is a functional classification system. In the official efficiency-record plans there is a salary classification. These two schemes cannot live together. They certainly cannot live together in the same bureau. Of course, since the reclassification bill has become law, automatically something will have to be done about the other scheme. The efficiency plan will have to look different when it comes into contact with the Reclassification Law.

There is another very important consideration in connection with this efficiency scheme. It is to be used not merely for promotion but also for advancements within grades, that is, for increases in salary.

Most of the efficiency record schemes around the country are used merely for promotions. I had an experience a short time ago with the head of one of the largest departments we have in our state government. It is larger than the corresponding department in the federal government in number of employees, and has almost twice the annual appropriation. He reviewed his budget with me and when we got around to personnel, which, of course, took about four-fifths of the time, he began to go over his increases. I said, "Haven't you got the service records?" "We never use those for increases. I haven't got them," he said. "The civil service commission has those, and they use them for promotions when there are any."

That is what efficiency records generally have been used for. And it is because promotions are rare and because the efficiency records are not used very often that so many systems that are obviously defective have a long lease of life. Most of them ought to be dead.

HOW TO HANDLE LOWER GRADES

One of the things that practical people have found out about this increase matter is that in the lower grades, let us say the first two or three grades, in each group, about the best thing you can do, in practice, both for the efficiency of the department and for purposes of central control, is to make the small annual increases as nearly as possible automatic on the attainment of an average grade.

There are a lot of people who say that is throwing away the government's money, and all that kind of thing. It is not. As a matter of fact, it is the best thing you can do, for this reason: You have people entering at a low salary. The theory is that as their experience increases they become more useful. If their work is average, they ought to get this small increase every year or every two years, up to a certain point. If they do exceptionally good work, I think they ought to get double increases. If their work is below standard, they ought not to be allowed to stay, but they usually are allowed to stay, and I expect to see that policy continued. If their work is merely a little below standard, or not sufficiently below so that you can, as governments are run, make any particular criticism, let them stay where they are. You cannot get up a complicated system of efficiency records for the lower grades that will result in any better arrangement than that provided the records are kept properly. You have your incentive toward getting larger increases, toward people doing their work better. Now, by having seven or eight or nine differentiations for each rating officer to follow, such as there are in the efficiency bureau scheme, we are building up one of these monster systems that result in an immense amount of record keeping.

For instance, take the number of variations proposed above and below the average which is called standard. There is "above average," "below," "sufficient," "insufficient," and so forth. There are too many classifications. When this begins to operate, some of these dark nights some maddened bureau head will meet one or two of those grades with a lead pipe, and that will be the end of the whole system.

In the efficiency bureau circular, the various grades are given a numerical value. That is all right. You have to do that at some point if you have several factors; otherwise, you cannot bring them all together in a final average. But, the minute you start to say as the efficiency bureau scheme does, that where the work is above average it can go from 106 to 115, you have introduced a possibility of variation of judgment, of personal choice that is entirely unworkable in practice. You will find that in the end you have to give that particular thing one value and let it go at that. Otherwise, what will happen will be that one group head or bureau head will say: "This person is above average. I am going to be pretty careful about this average business. I will give him 106 or I will give him 110."

The next person will say: "Above average. That is pretty good work. I will give him 115." That will mean the difference between advancement and no advancement—between promotion and no promotion. And it is impossible for any central agency sitting off in a tower in the city of Washington to bring these two rating powers together. If you can get them to mean the same thing when they say "above average" you have accomplished something. But when they say they mean the same thing and when they give ratings between 106 and 115, that is nonsense. These are very important considerations if this system is going to be used for increases in salaries as well as promotions.

EFFICIENCY RECORDS MUST BE SIMPLE

The whole efficiency-record plan has got to be modified, in the first place, so that it squares with this Reclassification Law, so that it becomes a functional scheme and not the kind of scheme it is now under which you put together all kinds of people and try to compare them.

In the second place it has to be greatly simplified. Finally, we must avoid the whole basic idea in this efficiency-record scheme, which is that promotion will depend upon the average in the particular group. The averages in groups will vary, and the result will be to penalize people very heavily who happen to be in efficient working groups. Where you have a particularly efficient working group, only a few people will be above the average, whereas all of them ought to get increases, and in the inefficient groups the best will be below the standard of the poorer people in the other group.

It may be urged that this central agency will go up and down among the different groups to restore the equilibrium. But that is impossible. It takes too much time. It would take too many people to operate it properly, and you will find the central agency engaged in a thousand and one fights with the different department heads and subdepartment heads, the result of which would be in most cases that the department heads and subdepartment heads would win. You would set up a competition between departments to get increases. The whole system proposed by the efficiency bureau has to be simplified and revised.

This new classification board with three members has a tremendous responsibility. Under this scheme they are practically going to make over the budget for personnel. They are going to allocate people to their positions; they are practically creating positions, and the conditions under which people will be advanced and promoted. It is a tremendous responsibility. It has been a source of amazement to students that most budget agencies around the country—I don't care whether they are executive agencies or board agencies—have avoided the problem of personnel and concentrated upon the problem of what is called "other than personnel service"—supplies, and so forth.

Why has that been done? Not, generally speaking, because the other problem is the more important. It is because the first problem is such a devilish problem.

That problem has to be attacked, and it ought to be taken up not with the idea of getting the most minute scheme possible, a scheme that is perfect on paper, a highly mathematical scheme with lots of coefficients and factors and all that kind of thing. It has to be started as a very humble system, on the basis of common sense, and in such a way as to improve not only the efficiency but also the spirit of federal personnel.

THE ATTITUDE OF CONGRESS

There is one other problem in connection with the administration of the Reclassification Law which is of the utmost importance, and that is the problem involved in the attitude of congress toward the classification board. This is, of course, part of the larger problem of the attitude of congress toward the executive budget system. When the next budget is prepared and the new salaries and positions have been tentatively fixed by the classification board, will congress accept these designations, or will it make so many changes in detail as to jeopardize the whole reclassification plan? How much lattitude will congress give in the actual appropriation bills to the classification board in controlling salaries and positions currently after the appropriation bill is adopted? Will congress approve the extension of the new classification to the field employees throughout the country as prepared by the classification board? These questions cannot be answered with any certainty at the present time. It seems reasonable, however, to assume that having gone so far congress will go the rest of the way, and that it will not attempt to interfere with the details of the budget as it affects salaries and positions nor with the administration of the appropriation bill after it is adopted. Of course, personalities will play a great part in the working out of this problem. There is a fairly close relation between the president and two members of the classification board; and a very close relation between the chairman of the senate finance committee and the third member of the classification board. There seems to be no particularly close relation between any member of the classification board and the house of representatives excepting through the president. Once the field employees throughout the country are brought into the plan, new influences and personalities will appear which may completely upset present calculations. The belief of the writer is that eventually the whole reclassification machine as it affects salaries and positions as distinguished from individuals, will be part of the executive budget machinery.

THE BUTTE-SILVER BOW COUNTY CONSOLIDATED CHARTER

A NEW DEAL IN LOCAL GOVERNMENT

BY A. R. HATTON

This charter, drafted by Dr. Hatton, has passed the legislature and now awaits acceptance by the people at the polls. A copy of it will be sent on request. :: :: :: :: :: :: :: :: ::

There is a glib and well-received saying that he who causes two blades of grass to grow where one grew before is a public benefactor. And, if allowance be made for those of us who are so hypercritical as to insist that this depends on the kind of grass, the place where grown and whether more grass is needed, the saying can be accepted as a sort of working principle. Unfortunately most people overlook the fact that the person who could cause one blade of grass to do the work formerly done by two, thus making it necessary to raise only half as much grass and releasing grass-growing soil for other useful production, would be a benefactor of such magnitude as to put the mere doubler of grass production entirely in the shade. This is only to say that there are times when subtraction and division are more important to the human race than addition and multiplication.

ONE GOVERNMENT WHERE TWO GREW BEFORE

But if grass growers are deserving of such a high order of merit, what is to be said for those persons who cause one local government to grow where several grew before on our overcrowded political soil? It has been found easy enough in America to make two jobs or governments grow where one grew before. Only recently have we been attempting the reverse and that we find is a different story. Really, doubling the production of grass or doubling its working power is child's play compared, for instance, with the government eliminating job of city-county consolidation. That operation is not merely a matter of getting rid of one government and leaving the other to do the work. It is likely to involve clearing the ground of all old governmental growths and planting a single specimen of a new variety. That is what causes the trouble.

An end can be put to a city government without raising much of an outcry, for we have become accustomed to seeing city governments abolished, changed and transformed. But the moment it is suggested that a county government be abolished, or that it merge its identity with a new organization, county officeholders, politicians and other beneficiaries of the county obscurities raise their voices and chant in unison,

> Woodman spare that tree,
> Touch not a single bough.

If they would but complete the lines in some such form as,

> It long has sheltered me
> And I'll protect it now,

the frankness of the confession would go far to excuse their opposition.

DIFFICULTY COMES FROM COUNTY SIDE

In other words, the difficulty of city-county consolidation, political and otherwise, comes largely from the county side. A city government can usually be plucked up or cut down without running into serious constitutional obstacles. The reverse is true of county governments. In most of the states the roots of county government are imbedded in the legal granite of the state constitution and can only be removed by blasting them out with a constitutional amendment. Then the fact that the county is commonly the most important local unit of party organization, and county government the chief party organization stronghold, assures strenuous party resistance to any change likely to cause even temporary inconvenience to the party managers. There are also serious difficulties of a purely legal and technical character owing to the place occupied by the county in the state system. In most states it will be found that the county has a very narrow sphere of local autonomy. For the most part it is an agency of the state government, and the laws of the states are full of mandatory provisions laying duties upon specific county officers. Obviously these duties cannot be ignored in the preparation of consolidation legislation. The county government as it formerly existed may disappear, but the work of the state normally performed by the county must go on.

The foregoing observations are provoked by rather close contact with the recent interesting movement for city-county consolidation in Montana. This movement had its greatest impetus from the unusual situation in Silver Bow County, which contains Butte, the largest city in the state. It was greatly aided by Governor Dixon's interest in improved county government and by the overdevelopment of local governmental machinery in a sparsely populated state where the recent depression has caused taxation to be keenly felt. There also seems to be in Montana an unusual amount of keen, level-headed and untrammeled thinking on questions of local government.

SILVER BOW COUNTY

The situation in Silver Bow county is unique. Territorially the county is the smallest in the state, though not small judged by eastern standards. Two thirds of the total population of a little over 60,000 live within the corporate limits of Butte, while 95 per cent of the population is within a radius of three miles and 97½ per cent within a radius of five miles of the center of that city. Aside from Butte there is only one other incorporated community and that is suburban to Butte. Thus there are two principal governments performing practically the same functions, operating over essentially the same area and, in the main, paid for by the same taxpayers. Add to these things the low efficiency of both the city and county governments and the picture is complete.

For some time the city government of Butte has been beyond its constitutional debt limit. There is practically nothing tangible to show for this debt, it having been incurred largely for operating expenses by the simple expedient of issuing warrants on the treasury in excess of income and appropriations. If money to pay the warrants was not available they were registered and forthwith became legal and negotiable obligations of the city bearing interest at 6 per cent. A little more than a year ago the credit of the city had sunk so low that these warrants would only command from sixty-five to seventy cents on the dollar. The county government has been, and is, legally in a somewhat better financial condition, but it has been spending money far beyond services rendered and its work overlaps that of the city at many points.

THE AMENDMENT

An amendment to the state constitution authorizing consolidation legislation was proposed by the legislature of 1921 and ratified by the voters in November of 1922. This amendment reads as follows:

> The Legislative Assembly may, by general or special law, provide any plan, kind, manner or form of municipal government for counties, or counties and cities and towns, or cities and towns, and whenever deemed necessary or advisable, may abolish city or town government and unite, consolidate or merge cities and towns and county under one municipal government, and any limitations in this constitution notwithstanding, may designate the name, fix and prescribe the number, designation, terms, qualifications, method of appointment, election or removal of the officers thereof, define their duties and fix penalties for the violation thereof, and fix and define boundaries of the territory so governed, and may provide for the discontinuance of such form of government when deemed advisable; provided, however, that no form of government permitted in this section shall be adopted or discontinued until after it is submitted to the qualified electors in the territory affected and by them approved.

The brevity and comprehensiveness of this amendment make it almost a model for those states where constitutional home rule for cities has not been granted. After its adoption, however, one possible defect was discovered. In drafting the amendment it was assumed that all officers, other than judges, elected on a county basis were county officers in a constitutional sense. In Montana, however, the constitution does not name the county attorney and clerk of the district court among the county officers, though both are elected by the voters of the county. Those offices are provided for in the sections of the constitution relating to the judiciary. There is a practical certainty that the manner of choosing the clerk of the district court cannot be changed or the office otherwise disturbed in any reorganization of county government under the new amendment. There is a possibility that the same rule may be held to apply to the county attorney, at least as to the manner of his choice, his tenure of office and some of his duties, though the exact constitutional status of his office is not so clear. The inability to deal with the clerk of the district court in consolidation legislation is not of great importance in Montana. If it should be held that such legislation cannot affect the manner of choice, tenure and duties of the county attorney, a more serious problem would be presented.

Immediately after the adoption of the amendment last November steps were taken in Silver Bow county to prepare a bill for introduction in the legislature in January. The writer was engaged as consultant and arrived on the scene early in December. Shortly after the middle of November, Frank L. Olson of Minneapolis began a preliminary study of local governmental and political conditions. This study was finished by the end of the first week of December and was of the utmost value in revealing the status of local affairs, giving accurate definition to the problem of consolidation and furnishing a fact basis for the legislation finally drafted.

In order to keep the proposed legislation in touch with local opinion, a very representative committee of over one hundred members was organized. This committee delegated the detailed preparation of the measure to a smaller executive committee, reserving the right to accept, reject or amend the proposal when completed. This executive committee contained, among others, three lawyers, one of whom is judge of the district court and another a former justice of the state supreme court; two members of the city council, one of whom is a member of the carpenters' union; two additional labor men, and the mayor of the only municipality in the county aside from Butte. The measure prepared was unanimously approved by the executive committee and, after full discussion, also received the unanimous vote of the committee of one hundred. When presented to the legislature it was passed by large majorities in both houses without a single amendment.

The constitutional amendment made possible either special acts for specific cities and counties or a general optional act available for any county in the state. After long discussion it was decided that the legislation drafted in Butte should be in the form of a special act for Silver Bow county. The reason for this decision was the fear that a proposed act of general availability would meet greater opposition in the legislature from members representing other counties and be more likely of amendment in such manner as to make it unsatisfactory to the citizens of Silver Bow county. It later developed that the Butte committee underestimated the sentiment in the legislature favorable to city-county consolidation. In fact, late in the session, the legislature also passed an optional consolidation act, based largely on the Butte-Silver Bow measure, making consolidation available in any county.

BUTTE-SILVER BOW ACT PIONEER LEGISLATION

The Butte-Silver Bow act deserves attention as practically pioneer legislation of its type and because consolidation has been worked out in a more thorough and consistent manner than elsewhere. Under the terms of the constitutional amendment the act can only be put into operation by vote of the electors of Silver Bow county. Such an election will probably be held some time next autumn.

The act provides for merging and consolidating "the separate corporate existence and government of the county of Silver Bow and every city and town therein into one municipal corporation and government under the corporate name 'City and County of Butte.'" To this new corporation is given all the powers that "now are or hereafter may be conferred on cities, towns and counties" by the laws of Montana. A broader and more general grant of powers would have been incorporated but for the fear of arousing antagonism in the state legislature. It was thought wise to be able to say to the legislature that no new powers of government were conferred.

The form of government provided for the consolidated area is of the most advanced commission-manager type. Aside from the omission of proportional representation as a method of choosing the commission, there is no city charter providing for the manager plan that can stand detailed comparison with this proposal. The omission of proportional representation was due largely to doubt as to its constitutionality in Montana.

The act lodges legislative and executive power in a commission of seven members, elected from the county at large for terms of two years. The terms of all members of the commission expire at the same time. Nomination is by petition and a double election system is provided. Candidates receiving a majority of the votes cast at a first election are declared elected and a second election, if necessary, is held only as to the places remaining to be filled. The act provides for the initiative and referendum, and for the recall of members of the commission. The commission is authorized to fix the salaries of its members at not to exceed six hundred dollars per year, but may provide for paying the president of the commission 20 per cent in addition.

COMMISSION APPOINTS THE MANAGER

The commission is required to appoint a manager who may be removed by the commission with the usual safeguard that he must be given a written statement of reasons and a public hearing if he so demands. The manager is authorized to appoint all officers and employes in the administrative service "except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or office." All appointments are without definite term unless for temporary service not to exceed six months.

What might be called formal civil service provisions are conspicuous by their absence from the act. No provision is made for preliminary tests or examinations, though the manager could establish them should he desire to do so. Every officer and employe of the municipality, from the manager down, is subject to the same procedure as to removal, lay-off, or suspension from office. The manager may be removed by the council, but may require a written statement of reasons and a public hearing before the removal becomes effective. Similarly "any officer or employe of the municipality appointed by the manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or the officer by whom appointed." Any person so laid off, suspended or removed, even the humblest employe, may demand a written statement of reasons and the right to be heard before the manager before the action becomes effective.

The act proceeds upon the assumption that, under the manager plan, provisions to protect the service against partisan appointments are unnecessary and that, with a population of only sixty thousand to be served, the number of appointments to be made will not be sufficient to require a special personnel and recruiting agency. However, there are strong provisions against the soliciting of political contributions from or by any person holding an appointive office or place in the municipal government, and all such persons are protected against and cut off from all objectionable political activity. It is provided that the compensation of officers and employes in the administrative service shall be fixed by ordinance but that all such positions, except those of heads of departments and heads of offices not included within regular departments must, for purposes of compensation, be graded and classified by the manager according to duties and responsibilities. The commission is required to "establish a schedule of compensation for positions so graded and classified which shall prescribe uniform compensation for like service as determined by the grading and classification of the manager."

POLICE DEPARTMENT SUPPLANTS SHERIFF

The act establishes departments of law, finance, police, public works, health and fire. Other departments and offices may be established by ordinance. It will be noticed that, in providing for so many departments in the organic law of the municipality, the act appears to depart from the generally sound principle that, with a few exceptions, the organization of administrative departments should be by ordinance. This is one of the instances, however, in which the position of the county as an agency of state government is of controlling importance. With the multitude of mandatory duties laid upon specified county officers by the general laws of the state, confusion and uncertainty in the local exercise of state functions could only be avoided by devolving these duties upon specific officers provided for by the consolidation act itself. For instance, the act provides that in addition to certain duties prescribed therein the director of finance "shall have all powers and perform all duties imposed upon county clerks, recorders and auditors by general law." As to the police department it is provided that the director "shall have the powers and perform the duties provided for sheriffs" by the laws of the state and that officers and patrolmen subordinate to the director "shall have the powers and perform the duties conferred on and required of deputy sheriffs." These illustrations will suffice to indicate the reason for the establishment of so many departments and the manner in which provision is made for the continued performance of duties laid upon county officers by general law.

Although it was thought necessary to provide in the act for the departments mentioned, the way is left open for placing the same person at the head of two or more departments or offices by the following language: "If the manager so recommend, and the commission so authorize, the manager may appoint one person to act, or may himself act, as the head of two or more departments or offices; but the department of law shall not thus be joined with any other department, nor shall the manager be authorized to act as head of the department of finance or of any office therein other than that of purchasing agent or assessor."

FINANCIAL CONTROL

The financial provisions of the act are of particular interest and importance. The chaotic condition into which local finance had fallen in Silver Bow county caused the committee to devote particular attention to these features. The result is a system of financial control and procedure which, taken as a whole, is believed to be superior to any yet embodied in a charter of local government. A department of finance is created containing divisions of audit and accounts, treasury, purchases and supplies, and assessments. An annual budget estimate must be prepared and submitted to the commission by the manager. The act makes a noteworthy attempt to define with accuracy what the budget estimate shall contain as to the amount required to meet the interest and principal of the local debt and to replace any deficiency in the sinking fund. Later provisions leave the commission no option but to appropriate annually the full amount of the estimate for these purposes. All appropriations must be included in the annual appropriation ordinance. While the commission has full power over appropriations except those required to meet the interest and principal of the municipal debt, the form, arrangement and itemization of the appropriation ordinance are to be determined by the director of finance.

After the passage of the annual appropriation ordinance the director of finance is required to report to the commission the rate of tax levy necessary to produce an amount of revenue which, together with revenue from other sources, will equal the appropriations. The commission is required to make a tax levy at the rate so reported "unless, by amendment of the appropriation ordinance and a reduction of appropriations the levy of a lower rate be made possible"; but no such amendment may reduce the appropriation made to the sinking fund as recommended by the manager. After any such reduction of appropriations the director of finance is required to report the tax levy necessary under the amended ordinance and the commission is forbidden to levy taxes at any other rate than that reported to be required by the director of finance. In other words, it is the aim of the act to make it clear that the only way to reduce taxation is by reduction of expenditures.

A tax limit for general purposes is fixed in the act, but levies for municipal debts are separate from the general levy and upon these there is no limit except as the debt limit fixed in the state constitution automatically sets a limit to the taxation that will ever be necessary for debt purposes.

DEBTS

The debt incurred by any city or other district within the county prior to consolidation is made a charge solely upon the property within the boundaries of any such city or district. The debt limit for counties fixed by the constitution is the limit for the consolidated city and county. An initial funding or refunding of debt existing at the time of consolidation is permitted in order to secure a fairly equal distribution of the burden over the next twenty years. After this initial funding or refunding all obligations of the municipality must be paid as they mature without refunding. The language of the act in this respect is worth noting:

> Any debt of the county, or any district thereof outstanding at the beginning of the first fiscal year after the adoption of this act by the electors of the county may be funded, or refunded, by the issuance of bonds for such period, or periods, not exceeding twenty years as the commission may authorize, and thereafter the debt so funded or refunded, and any debt subsequently incurred, shall be paid as it becomes due without refunding.

SCHOOLS

The school governments of the city of Butte and of the county were left undisturbed except for the provision that the county superintendent of schools, formerly elected, shall be appointed by the commission. The way is also left open for a certain measure of school unification by the provision that "the superintendent of schools for any district within the municipality may, with the consent of the trustees of such district, be appointed to serve as municipal superintendent." The omission of other provisions as to schools was due to the fear that to provide for complete school unification might be held to introduce a second subject into the act and thus run counter to the provision of the state constitution that each act of the legislature shall be confined to one subject. No doubt, if consolidation is otherwise affected, steps will later be taken to secure an act which will permit the organization of the schools within the municipality under a single school government.

Altogether the act is notable for its

brevity, comprehensiveness, the simplicity of the system of government which it provides, the popular control assured and the completeness of its financial provisions. These results could be accomplished because, to repeat a figure previously used, the ground was cleared of all old governmental growths and a single specimen of a new variety planted in their place. There can be no doubt that this act offers to the people of Silver Bow county a government of exceptional power, flexibility and responsibility. If it should be accepted by the voters the "City and County of Butte" is likely to become a model to be widely copied throughout the United States.

DEPARTMENT OF PUBLICATIONS

I. RECENT BOOKS REVIEWED

Toledo's Non-Partisan Movement. By Wendell F. Johnson. Toledo, Ohio: H. J. Chittenden Co., 1922.

Mr. Johnson's study treats historically and analytically the experience of a representative American city with an electoral mechanism which is becoming of increasing significance in this country, and which may even now merit the dignified appellation of "an American political institution." Since the introduction of the non-partisan idea in 1899 by "Golden Rule Jones," it has passed through several stages of adaptation to the changing circumstances of Toledo's political life. Jones emphatically refused to head a non-partisan "ticket" because he feared that "if he or any other man should make an organized attempt to elect a complete ticket, the organization would soon become a political party with the same methods, the same motives and the same disastrous results." But after his death in 1904, while serving his fourth term as mayor, the party idea triumphed with the organization of the Independent Voters, who, with Brand Whitlock heading their slate, defeated the Republicans in each of the four elections from 1905 to 1913. The adoption of a charter providing for non-partisan municipal elections ushered in the third phase of the non-partisan movement. The elections of 1915, 1917, and 1919 disillusioned those who had expected the old parties to disappear under the new plan. The candidates nominated were generally known to the voters to represent the Independents, Democrats, Socialists, or Republicans. And in the 1921 election the Republicans openly announced a ticket and conducted a campaign with a total disregard of the principles of the non-partisan plan.

Mr. Johnson is an optimist in feeling that though the people of Toledo elected most of the avowedly Republican candidates in 1921, they still believe in the principle of non-partisanship. Perhaps his faith springs from the formation of a non-partisan league to oppose the reintroduction of party politics which the 1921 administration began to effect, and from the fact that the Toledoans have been subjected to a long process of education in the field of non-partisanship. Mr. Johnson lists as the accomplishments of the non-partisan movement (1) a manifestation of greater public interest in civic affairs, (2) more intelligent voting, and (3) less application of the "spoils system." It would be less difficult to accept these as positive achievements if the 1921 election and its consequences did not obtrude themselves into the picture. This election may have been a mere temporary aberration. But in view of the defects of the non-partisan system in Toledo, (1) the impossibility of preventing participation in the city elections of the local national party organizations, (2) the difficulty of getting desirable men to run for office, and (3) the futility of running without organization support. The next phase in Toledo's municipal history, as interestingly narrated by Mr. Johnson, may be the formation of a municipal party which will undertake the burden of correcting the existing defects, and of perpetuating the non-partisan movement. The experience of other cities, notably of Boston, reinforce the opinion which Mr. Johnson, with the reserve that characterizes his whole study, hesitatingly suggests.

David Stoffer.

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Community and Government. By Harold W. Odum. Chapel Hill, N. C.: University of North Carolina.

The remark is frequently heard that the University of North Carolina is taking first place among the educational institutions of the South. If the critic is asked the ground for his judgment he does not generally enlarge upon achievements along the more standardized academic lines. He is more likely to speak of the stimulation given by the University to public education, to social work, and to general information. He seems to think of the University as a center from which is emanating a scholarly and cultural influence which is being felt throughout the state. He does not think of the older insular institutions, where much of the learning was kept securely locked up in the books behind closed library doors; but of an organ of public service, a light set on a hill enlightening the world.

Among the other activities, the University is exerting itself to give currency to true political ideas and to stimulate a study of the relation between the good citizen and the government under which he lives. *Community and Government*, the author tells us in his sub-title is "a manual of discussion and study of the newer ideals of citizenship," and it is a sort of later edition of an earlier *Constructive Ventures in Government*, which laid a good deal of emphasis on the part of women in politics and public life under the obligations imposed by their new duties to vote and hold office. *Community and Government* was prepared to aid the teachers and others interested in education in North Carolina to give vitality to the teaching of government. There is little doubt that it will be used by reading circles and study groups among people who are not attending any formal classes in educational institutions.

The work is divided into six parts. The first defines the community in its larger meaning and introduces women to their duties as citizens; the second is a study of the town and city; the third, of the county, village, and open countryside; the fourth, of public service of the state; the fifth, of the national organization with some discussion of Americanization; and the sixth presents a bibliography with some plans for study.

One thinks of the woman's club or the reading circle asking its program committee whether it is not time to undertake the careful study of political relations; and being told that it is difficult to secure material which is not meant either for the elementary and ignorant person or else for the college student. When one says "meant for college students" in this connection one is likely to have in mind a long, painful, deadening account of the details of political organization,—an account which makes it practically impossible for the average reader to see what it is all about. Now, the program committee may write to the state university in North Carolina and secure for a nominal cost suggestions for study that are about on the level of a first class newspaper editorial, organized logically for a continuous study extending over several months. The bibliography would be improved by the addition of a few biographies of such statesmen as Roosevelt,—his own autobiography,—and a few interesting current magazine discussions. The reviewer must find a little fault; there is no doubt that in future editions of this new departure this small gap will be closed.

EDGAR DAWSON.

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THE DIRECT PRIMARY. By O. C. Hormell. Brunswick, Maine: Bowdoin College Bulletin, 1922.

Although one half of the bulletin is devoted to a general discussion of the subject in which the views of political scientists, party leaders and prominent newspapers play an important part, the meat of the pamphlet is a discussion of the situation in Maine.

The direct primary there is on trial for its life upon eight charges. It is not hard for Professor Hormell to disprove statistically the charge that the city is favored at the expense of the country, nor the statement that the system breeds a plethora of candidates. Even more striking is the fact that in the campaign of 1922 over 94 per cent of the candidates were majority and not plurality designees. Despite the oft reiterated charge that the direct primary makes for party discord and disintegration a study of the newspapers shows more political feuds from 1900 to 1912 than subsequently. The charges that the quality of the officers chosen has deteriorated, and that the expense of running for office has considerably increased receive keen analysis. The fact that the cost of the direct primary system is less than three cents per capita disproves the charge that the cost is excessive. It is to be regretted that further statistics were not available in the comparison of popular interest in the two systems.

A series of analyses of the nature of this pamphlet would furnish the student of politics a basis upon which to discuss the direct primary.

S. C. WALLACE.

II. CURRENT REPORTS

The "Deconsolidation" of the City and County of Philadelphia.—"The preceding chapters indicate that city-county relations in Philadelphia are legally approaching a state of utter confusion, if they have not already arrived at that state. There is no certainty as to what laws regulate the county or as to how they regulate it. City-county relations are not clearly defined by law, and the prohibition against local and special legislation makes it difficult if not impossible to define them clearly by law, unless a repeal of the act of consolidation is desired. Scarcely a statute is passed for counties generally, or for Philadelphia particularly, which does not create a host of doubts and inconsistencies in Philadelphia, and call for construction by the courts. The result is that city-county relations are based chiefly on judicial interpretation of statutory and constitutional provisions, on implication piled upon implication. Amid the confusion, however, there is one thing that is clearly discernable, a tendency toward the abrogation of the consolidation won by Philadelphia in 1854, a tendency toward the establishment of separate and independent governments for the city and county."

The foregoing quotation from the interesting brochure recently published by the Philadelphia Bureau of Municipal Research on the legal relations of the city and county of Philadelphia suggests that the famous consolidation of 1854 is being slowly undone. However, as one reads the Bureau's analysis of the act of consolidation of 1854, he is somewhat disposed to marvel that the process of "deconsolidation" has not been more rapid and complete. Patently ambiguous in certain vital respects, retaining most of the customary county offices, and leaving unanswered the question of whether the city and county were to be regarded thenceforth as a single body corporate or as distinct corporate entities functioning in part through common agencies, the act of 1854 can scarcely be said to have effected an absolute and unequivocal consolidation in the first place. And one cannot help having a certain mild sympathy for the courts whose duty it has been to apply such a legal instrument. The lesson of the Philadelphia experience ought not to be overlooked in communities where halfway measures of consolidation have been or are being advanced.

Chester C. Maxey.

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A Bureau of Federal Statistics Proposed.—The proposal has been put forward that the present bureau of the census be reorganized, enlarged and renamed the bureau of federal statistics to handle all non-administrative statistics of the federal government. This plan is outlined in a report of the United States bureau of efficiency submitted to congress under date of September 7, 1922 and is the result of an investigation authorized in congressional acts approved March 1, 1919 and November 4, 1920. The report enumerates the statistical work of each department and branch of the government that issues this type of information. It makes no attempt to evaluate the quality, or to pass judgment on the technical aspects, of the statistics. It rather describes these activities with the view to point out duplication of product and to see wherein the collection, compilation and publication of these data could be improved with consequent economy to the government and convenience to establishments using this service.

At present 44 branches of the government contribute statistical data to 27 different subjects. The proposed bureau of federal statistics would have 11 divisions each of which would handle inquiries into fields with more or less related subject matter. The report submits 33 recommendations in all which contemplate, in addition to the reorganization of the bureau of the census, the transfer of a large number of statistical inquiries to the reorganized bureau; the transfer of all vital statistical inquiries from the bureau of the census to the public health service; the distribution of all statistical publications of the government on a sale basis; and the collection and publication of co-ordinated statistics relating to our internal commerce. It also recommends the discontinuance of certain statistical work.

Several advantages may be pointed out for the centralization of such activities. It would provide a corps of specialists trained to perform this technical service; it would co-ordinate and standardize the collection of data; it would correlate information in the various fields covered; and would provide a central agency fully equipped with modern devices to cope with the colossal task of reducing statistical data to usable form. This agency could also furnish this tabulating service to all departments of the government. The plan, further, would serve to abate the burden on private establishments in furnishing information to federal agencies and would also be a convenience to private agencies seeking statistical facts. Applications would be made to one bureau instead of to several departments as under the present arrangement.

These advantages are particularly applicable to information, the collection and use of which is a routine procedure. Once the sources of information have been established, the problem of assembling such data is one of improving the technique and procedure of collection.

The same considerations cannot be said to apply to the statistical inquiries of governmental agencies coming under the head of scientific research. Studies of this sort are into fields in which the investigator must be trained not so much in collection procedure as in the technical aspects of the specific subject. Such investigations, further, are usually individual projects continued for specific and limited periods of time. Such activities can well be left under the authority of agencies competent not only to gather the data, but to analyze and to interpret it as well.

Edward M. Martin.

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State Aid to Private Charitable Institutions in Pennsylvania.—The problem of state administrative control of the activities of private charitable institutions receiving state aid has always been a particularly troublesome one and perhaps nowhere more so than in Pennsylvania. During the past fifty years or more a large number of these private institutions have been established and maintained largely through state aid, and as a result many of them have come to look upon such aid as an inherent and inalienable right with little accompanying obligation. Attempts on the part of the state to interfere with a time-hallowed policy or better, lack of policy, with respect to the service of private institutions receiving such subsidies have almost invariably met with a prompt reaction from the institutions concerned and their citizen supporters. Legislators generally have avoided the issue of limiting, directing or otherwise controlling the amounts and use of state funds by these institutions because they feared that such action on their part might result in retribution at the hands of the powerful private institutional interests of the state.

In a *Survey of the Fiscal Policies of the State Subsidies to Private Charitable Institutions by the Commonwealth of Pennsylvania*, recently made by Kenneth L. M. Pray, director of the Pennsylvania School of Social and Health Work, which has just now been issued as a part of the *Report of the Citizens' Committee on the Finances of Pennsylvania to the Honorable Gifford Pinchot*, Mr. Pray presents an analysis of the very problems of state subsidies which is worthy of the most careful study. According to this report, state subsidies to private charitable institutions in Pennsylvania have increased twelve times in the past fifty years, while the population of the state has only doubled and its revenues have increased only about eight times. The reasons for this are clearly set forth in the report. There has been an absolute lack of a definite policy and fixed purpose on the part of the state with reference to state aid. Legislators have ignored the authoritative recommendations of the state board of charities and corrections (now the department of public welfare) relative to the amounts of subsidy warranted. Legislative committee visits to institutions have been rarely more than mere junkets. Log-rolling tactics on the part of legislators in behalf of institutions within their own districts have been the rule. Neither the auditor nor the governor has been able to limit, direct or control satisfactorily the appropriations made to institutions because of the lump sum method of appropriation which carried no specific obligation as to use by the institution aided.

Summing up the essentials of a proper policy of state appropriation and fiscal control of aid given private charitable institutions, Mr. Pray sets forth the following recommendations which based as they are on sound social and economic principles ought to be embodied in practical form in the administrative code of every state confronted with a similar problem.

"1. The state should definitely decide what kinds of work it will itself support, and should grant aid only to institutions performing those kinds of service.

2. The state should definitely decide under what conditions an individual is properly dependent on the state.

3. The state should confine its aid to amounts which will properly compensate agencies for the care of state wards, and aid should be granted at an equitable and uniform rate to agencies rendering specifically the same service.

4. The state's aid should be granted only to agencies that maintain a reasonable minimum standard of equipment and service. Provision may properly be made for suitable compensation for additional service above this minimum within reasonable bounds.

5. The state's aid should not be so great as to discourage local citizen interest in the development and support of the institution.

6. The state's aid should be available, upon specifically equal terms to all citizens in the same circumstances, no matter where they live.

7. The state's funds entrusted to private agencies should be subject to thoroughgoing control and accounting."

Fortunately the recently created department of public welfare in Pennsylvania has been given broader powers with respect to supervision and control of private charitable institutions than were enjoyed by its predecessor, the state board of charities and corrections, and it has already begun to exercise certain of these powers with respect to fiscal supervision. The new department will no doubt meet with considerable opposition in its efforts to apply the recommendations of the report just reviewed. The breaking down of long established prejudices and strongly entrenched private institutional influences is not an easy task but it is clear that it must be done if public welfare administration in Pennsylvania is to attain high efficiency. Rigid adherence to the rules laid down in the report is all that is necessary to bring order out of chaos in Pennsylvania or anywhere else. Such rules represent the foundation of an efficient and economic state aid policy, the cornerstone of which is that private institutions shall receive state aid only according as they render an approved, measured and properly evaluated service to the state.

C. E. McCombs, M.D.

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A State Park Plan for New York. The Committee on State Park Plan of the New York State Association has recently published an attractive report outlining a state park plan for New York.

Such a plan as this is inevitable. It is inevitable because the state park has become almost a vital necessity (as in the case of the Palisades Interstate Park) and because, as population increases, more and greater areas for outdoor recreation will be required, and they will become continually rarer and more difficult to acquire. Also, the sentiment for the preservation of wild scenery, forests, animal life and historic sites grows apace, and the state park fulfils all these needs. Such a movement as that for state parks must be organized, and that is what this plan proposes to do.

New York state already has some forty parks of many kinds and sizes, but more are seriously needed. All the important parks need to have their areas and facilities extended to supply the demands upon them. Besides, most of these are east of the meridian of Syracuse, and it is manifest that this largely accidental distribution should be amended by providing more and better developed parks for the western part of the state so that, some day, New York may be said really to have a park system. The beginning of this is the Allegany State Park, a most important project of 65,000 acres on the state line in Cattaraugus county which will serve about 1,700,000 people including Buffalo and Rochester.

The state forest movement is hardly separable from the state park movement; the most real difference seems to be that the state park is mainly for recreation, the state forest for conservation of forests and all that goes with it. But the forests are recreation grounds of great importance. Therefore, this state park plan proposes that the voters of 1923 approve a bond issue of $15,000,000 for state parks and forests allotted as follows: State Forest Preserve, $5,000,000. Palisades Interstate Park, $3,500,000. Allegany State Park, $2,000,000. Niagara State Reservation, $1,000,000. Letchworth Park, $500,000. Finger Lakes Parks, $250,000. Parkway connections between Bronx River Parkway and Bear Mountain, $1,000,000. Roosevelt Memorial Park, $1,000,000. Other parks, including Saratoga Springs, $750,000.

The most important factor in the creation of state parks and forests is the acquisition of land. In the above allotment, the entire appropriation for state forests would go to purchase land as would a great deal of the appropriation for parks.

The report contains voluminous details and discussions of the parks and forests referred to, with many illustrations.

Harold A. Caparn.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Fire Hazards in Factory Buildings.—Marked need for amending the labor law of New York state in respect to requirements governing fire hazards in factory buildings was disclosed by a limited survey of conditions in certain of those structures in New York city recently conducted under the auspices of the Joint Board of Sanitary Control. The latter body represents the cloak, suit, dress and waist industries and the study made was limited to those factories in which the above industries operate. The survey was directed by Mr. Rudolph P. Miller, former superintendent of buildings of the Borough of Manhattan, who was aided by an unusually competent staff. For that reason the report on conditions observed and the recommendations made are of particular interest and importance. There were 1,168 factory buildings inspected and violations of a more or less serious character were found in about ninety-five per cent of these. Conclusions based on an analysis of the character and distribution of these violations led to the formulation of recommendations for revision of the labor law and suggestions concerning the administration of factory control. Among the more important of these it is desired to call attention to the following.

Conditions reported in the buildings that were examined indicated that the use of old existing buildings for factory purposes has in the past been unduly encouraged. Thus the survey disclosed that in those structures built before 1913 conditions were found to be far less satisfactory than in the newer buildings. The situation with respect to this matter appears to justify recommending that the labor law be so amended as to prohibit the use of a building erected before October 1, 1913, that has not been previously used for factory purposes, for alteration or conversion to the use of a factory unless it is made to comply with the requirements for new buildings.

A striking fact brought out by the investigation of the Joint Board of Sanitary Control was the large number of buildings in which the interior stairways are not inclosed. The value of an enclosure to a stairway as a protection against fire hazard cannot be over-emphasized. In commenting on this situation Mr. Miller expressed the opinion that the present law governing the enclosing of stairways is too limited in that it permits the omission of the stair enclosure under certain conditions in buildings five stories or less in height. In view of the fact that the law was generally revised in 1913 after extended consideration of this matter, among others, he does not suggest at this time any further change in the law. Attention is called, however, to the fact that the law gives ample power to the state industrial commission outside of New York city, and to the board of standards and appeals within the city of New York, to meet this condition by suitable rules and regulations. With this in mind it is recommended that a suggestion be made to these boards urging the revision of the present rules so as to provide some kind of an enclosure for an interior stairway in all factory buildings over one story in height. In the event that such a requirement might work a hardship in individual cases, there is still ample authority on the part of these boards to modify their regulations to meet conditions in particular cases.

The inadequacy of access to the roof, which was found to exist in many of the buildings examined, received particular attention. The Labor Law at present provides that all the stairways that are required exits and which extend to the top story shall be continued to the roof in case there is egress from the roof to an adjoining building. In addition to this requirement the report recommends that a provision be made for access to the roof even when there is no safe egress from that roof to adjoining premises.

The survey disclosed that on many of the older buildings fire escapes were located which, while not conforming to the present requirements governing those constructions, have been permitted to remain with the hope that they might be of service in an emergency. The openings leading to such fire escapes are supposed to be marked: "This is Not an Exit." In the buildings examined in many cases there were no such signs provided, and even when these signs were in evidence, safe egress from such fire escapes was not at all times present. It is obvious that if such fire escapes are permitted to remain they should at least be kept in safe condition. With this in mind, the report recommends that the following new section be added to the Labor Law:

> . . . Existing non-conforming fire escapes. All outside fire escapes which do not conform to the requirements of either section 273 for fire escapes erected after October first, nineteen hundred and thirteen, or section 274 for fire escapes erected before October first, nineteen hundred and thirteen, or section 268 for exterior screened stairways, shall nevertheless be maintained in safe condition, shall be equipped at the lowest balconies with suitable stairs or drop ladders and shall have direct and safe means of egress to a street, or to an approved passageway to a street, or to a yard or court from which egress may be had to a street; or such fire escapes shall be removed entirely. No exit sign shall be placed on any door, window or other opening leading to any such fire escape.

In certain of the buildings examined it was found that fire alarm signal systems were not in suitable condition for operation. It appeared that in such cases these systems had been permitted either to deteriorate or had been deliberately put out of commission because since their original installation the buildings had been equipped with an approved system of automatic sprinklers. This exempted these buildings from maintaining fire alarms.

The report points out that there is grave question as to the wisdom of permitting this exemption. The point is well taken that whether a building is equipped with sprinklers or not, it is desirable that its occupants should be notified promptly of the existence of a fire by an alarm of some kind. With this in mind it is suggested that the labor law be amended by requiring that permission be obtained from the state industrial commission or the local fire commissioner to discontinue the maintenance in complete operative condition of any fire alarm signal system already installed in any factory building.

An important provision of the labor law, which has to a considerable extent become a dead letter, is the requirement respecting the posting of notices specifying the number of persons that may occupy the several floors or spaces within the building. Particularly in those cases where floors are subdivided for various industrial uses is a requirement of this kind necessary in order to safeguard against occupational and other hazards. There appeared to be some indications that the existing provision in the labor law affected in this matter is not sufficiently direct to make it as effective as desired. In order to correct this it is recommended that the present requirement of the law in this matter be amended to read as follows:

> In every factory building two stories or over in height there shall (the commission shall cause to) be posted, after approval in the city of New York by the fire commissioner and elsewhere by the industrial commissioner, in a conspicuous place in every stairhall and workroom, notices specifying the number of persons that may occupy each floor thereof in accordance with the provisions of this section(.); and if (If) any floor is occupied by more than one tenant, such notices shall be posted in the space occupied by each tenant, and shall state the number of persons that may occupy such space. An estimate of the number of persons that may occupy each floor and each space, shall be filed by the owner of the building, or by a competent person employed by the owner, with the fire commissioner or industrial commissioner, according to his jurisdiction, in such manner as such commissioner may direct. It shall hereafter be unlawful to conduct any factory in a building or part thereof until such notices duly approved as herein provided, shall have been posted. Every such notice shall bear the date when approved and posted.

An encouraging feature of the report is the statement that the results of the survey indicate that the administrative authorities are making a serious effort to secure compliance with the provisions of the labor law and that the results accomplished are in general satisfactory. Where lapses occur the failure to comply with the law is due generally to the negligence of the owner or tenant on whom the responsibility really rests.

Seriously unsafe conditions were found in a number of instances which apparently were due to the negligence or indifference of the owner or tenant of the building. Conditions of this kind are not always readily discovered by the inspectors and may exist for a considerable time before they are disclosed as a result of inspection. In cases of this kind it is desirable that administrative officials should have authority to employ drastic measures to secure compliance with the law. As a means towards enlarging powers of such officials in this matter the report recommends that the following provision be incorporated in the laws of the state:

> In case any violation or failure to comply with any provision of the labor law, in the judgment of the duly authorized administrative officer, renders a building or a part thereof unsafe or dangerous to the lives of the employees of any factory by reason of such violation or failure to comply or by reason of failure to maintain lawful conditions, the fire commissioner in the City of

New York and elsewhere, the industrial commissioner, may, after written notice to the owner, lessee, tenant or other person responsible for said violation or failure to comply and an opportunity to remedy the unsafe condition recited in said written notice within twenty-four hours from the time of service, summarily vacate the building or such parts thereof as are specified as unsafe and dangerous, and having caused such vacancy shall continue the same until the unsafe condition is removed. For such purpose the said commissioners shall have the assistance and coöperation of any police officer or sheriff having jurisdiction over the premises when such unsafe condition exists.

The above recommendations obviously apply to conditions met with in a limited number of buildings located in New York city. At the same time the principles underlying the recommendations have universal application and undoubtedly conditions disclosed there are in evidence in many other communities.

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Safeguarding the Use of Highway Bridges.—The inadequacy of many of the existing highway bridges to carry the present heavy motor vehicle traffic using the roads of which these bridges are a part, is forcibly brought to the attention of the public from time to time by the failure of certain of those structures due to overloading. A failure of this kind, which resulted in the loss of from twelve to fifteen lives, occurred on January 3, 1923, at Kelso, Washington. The bridge in question was a timber structure with one 300-ft. suspension span and a 100-ft. double leaf vertically hinged span. The suspension span failed. According to the *Engineering-News-Record*, the bridge was built in 1905 for light loading. It was rebuilt in 1907 after a washout the previous year and partially retimbered during 1915. During the six months preceding the accident it is stated that the traffic using the bridge increased many times over the original normal traffic. The bridge is under the jurisdiction of the county and not subject to state inspection and maintenance. It appears that little if any provision was made by the county for this sort of care.

During the latter part of 1922 an accident of a somewhat similar character took place in Georgia, causing the death of eighteen. In the latter case, however, it was known that the bridge was weak and the structure was posted to that effect. Although these bridges were on unimportant thoroughfares and the loss of life resulting from their failure was unusual the condition which these failures illustrate are by no means extreme. In fact it is not extravagant to state that there are hundreds of bridges to-day, many of these on relatively important highways which are not designed to carry the loads passing over those highways. In Erie county, New York, where a careful survey has been made recently of the condition of all highway bridges, it was found that approximately 45 per cent are unsafe for loads in excess of twelve tons. At the same time certain of these unsafe bridges are on state and county highway routes over which the law permits the operation of motor trucks up to fourteen tons in weight. Also it is a well-known fact that this loading is exceeded in many cases. Comparable conditions undoubtedly exist in the other counties of New York state and in many if not all the other states.

Nor are the cities exempt from the hazard thus created. While the bridges on the more important thoroughfares of the larger cities of the country are generally sufficient in design to carry present traffic loading, this is by no means always the case. In those cities in which there are a considerable number of bridges on less important thoroughfares, so for example in New Orleans, many such structures are designed only for light loading and hence are unsafe for general use. According to the 1921 report of the bureau of highways of the department of public works of Philadelphia, during that year eight bridges in the city were closed to traffic, a careful inspection of these structures having disclosed conditions which made them unsafe for use under heavy loads. In each of these cases a complete reconstruction of the bridge was found to be necessary.

A further element that contributes to the present hazard which applies equally to urban and rural communities is the frequent failure to provide adequately for periodic inspection and continuous maintenance of bridges. It is believed that the importance of the latter is not sufficiently recognized by either government officials or the public. Particularly in the case of steel bridges, the overloading of the bridge by traffic, while not necessarily causing immediate failure, may produce a distortion in the structure readily ascertainable by skilled inspection and possibly admitting of correction without serious difficulty or expense if taken in time, but which if allowed to continue might easily result in the entire collapse of the bridge. Also in the matter of maintenance of steel bridges, the failure to provide for systematic cleaning and painting of the steel work, may produce a weakening of the bridge members due to corrosive action with disastrous results. It should be borne in mind that the hazard resulting from such conditions is in no sense an academic or imaginary one. The casual inspection recently made of a bridge on a relatively important street in a large southern city disclosed progressive deterioration in one of the main bridge members due to corrosion resulting from lack of maintenance, of such a serious character that when this condition was brought to the attention of the city authorities they not only immediately ordered the bridge in question to be closed to traffic until suitable repairs could be made to it, but also authorized a comprehensive survey of all steel bridges within the city for the purpose of determining their condition with regard to safety for traffic.

The examples cited illustrate a condition and a need demanding the serious attention and appropriate action of public officials. The essentials of the problem involved in meeting this need are substantially as follows: First, the establishment of suitable standards of bridge design and enforcing their use. Outside of cities there is merit in centralizing control over this matter in the state highway departments. Second, providing adequately for the inspection and maintenance of all bridges. This is obviously a matter of local responsibility and administration. Third, the regulation of traffic over all bridges so as to ensure against overloading these structures.

The latter offers in some respects the most difficult problem to solve. The replacing of all old highway bridges by others designed to carry the maximum loading of present-day traffic is not alone out of the question for financial reasons but would be objectionable on sound economic grounds. Bridges on all main highways should be designed to carry the maximum loading permitted on those highways. And obviously the latter should be of the most durable type of construction. It is recognized, however, that the type of road and bridge construction demanded for a main traffic thoroughfare is not economically justified for use on a highway of lesser importance. Common sense should dictate the exclusion of excessive loads from the latter roads. In order to accomplish this all roads should first be classified according to load carrying capacity and definite limits placed on the permissible loading for each class. Two or possibly three classes should be sufficient to meet ordinary requirements in this matter. Such limitations should be incorporated in the highway law. Suitable publicity should be given to any such action as a guide for the routing of traffic and signs showing the loading capacity of both roads and bridges should be placed at appropriate locations. Essential features of any control system of this kind are prompt and effective prosecution of violations and the imposition of adequate penalties. In New York state the wrecking by overloading of a bridge, worth possibly $10,000, carries with it the penalty on conviction of a fine of $25.00. Similar conditions prevail in other states. Both safety to the public and sound economy of its resources demand prompt and decisive action to remedy those conditions.

*

Municipalities Co-operate in Sewage Disposal.—Joint action on the part of communities concerned in providing for the construction and operation of municipal sewage disposal works offers a practical solution at a minimum cost for one of the most vexatious problems with which cities are confronted to-day. An interesting example of this character is the proposal to include within the sewage disposal scheme of the city of Philadelphia provision for intercepting and conveying to suitable treatment works the sewage now discharged into Tacony Creek from an area outside of the city, and also make similar arrangements to relieve conditions along the west bank of Cobbs Creek in Delaware county. At present the city does not discharge any sewage into either of these two streams. The city of Philadelphia will of course profit materially from these proposed improvements. The cleansing of Tacony Creek simplifies the problem of protecting the Torresdale water supply while improving the condition of Cobbs Creek will permit the satisfactory development of Cobbs Creek Park not possible under present conditions.

In both of the above cases the necessary financial arrangements will be made by contract between the municipalities interested. Pending future decision as to the layout of facilities for the treatment of sewage from Cobbs Creek drainage area, it is proposed that the city of Philadelphia receive a flat annual rental from Upper Darby township for the use of the city's intercepting sewer. Under the proposed arrangement for collecting and disposing of the sewage from the Tacony Creek project, an annual rental based on the amount of sewage handled will be paid to the city of Philadelphia. There is nothing novel in the idea of co-operative action by municipalities in the construction of trunk sewers. The joint outlet sewer in New Jersey was built by the voluntary joint effort of eleven separate municipalities. More recently, the Passaic Valley sewer in that state has been constructed through the co-operative action of about twenty-one municipalities. The distribution of cost of the latter project both in respect to the cost of construction and operation of pumping station was made on the basis of the amount of sewage contributed by each community participating in the use of the sewer.

While the examples cited above apply more particularly to the larger cities, it should be noted that the principle involved has equally wide application for smaller communities. According to Dr. Henry Spence of Jersey City, president of the state board of health, opportunity in the matter of sewage disposal is offered the three boroughs of Dumont, Bergenfield and New Milford in the joint use of the Camp Merritt septic tank in New Milford. That tank was erected for temporary purposes during the world war and was not placed there for permanent use, but it is so built as to permit of rigid enlargement that would make it available for joint use by several municipalities.

Obviously, not alone does joint action in providing for the construction of sewage disposal plants reduce materially the financial burden on the small community requiring these facilities, but it has the additional advantage in that it will permit without serious burden providing adequate funds for the operation of such plants. The importance of the latter cannot be overestimated if satisfactory results are to be obtained.

✣

Requirements of Sound Highway Improvement Policy.—Timely suggestions concerning the requirements of a sound economic policy for highway improvement work were presented recently by Mr. William H. Connell in a talk given before the Engineers Club of Philadelphia on the state highway problem of Pennsylvania. Mr. Connell, made during 1922 an administrative and financial survey of the Pennsylvania State Highway Department for the Citizens Committee appointed to study and report to the governor-elect on the finances of the state. Subsequently Mr. Connell was appointed state highway commissioner by Governor Pinchot. Hence his comments and opinions concerning the local problem are of particular interest and importance. One of the points most strongly emphasized by Mr. Connell is the need of a construction policy flexible enough to permit ready modification in the type of pavement construction used to meet the widely varying traffic requirements that exist on different parts of the state system. Certain of his remarks on this subject follow:

"This brings us to the point where a sound economic policy must be determined upon. There are 10,321 miles of roads to consider, virtually all of which are of relative importance—either as main highways or as feeders to the main highways, and the feeders cannot be brushed aside. They must receive due attention, not in the indefinite future, but now. They are, in many instances, of more importance to those compelled to use them than are the main highways to a considerable number of those using them. The state is confronted with a condition, not a theory.

"I am constantly reading in the newspapers and engineering magazines of the cost of the upkeep of highways. How often do you see anything written about the cost per square yard of the investment in the highways, the interest and sinking fund charges? Very often a type of pavement that is not of the very best is cheaper in the long run than the very best type of pavement—when you put it in a place where it will take about twenty years for the traffic to become heavy enough to demand the best type of construction.

"That is the most important point to drive home in this country to-day. If I have learned one big lesson from this survey it is the fact that the average business man is always shouting to construct all pavements of the very best type, absolutely ignoring the fact that the thing to do is to put the economic road down in each particular locality. A business man will not construct a plant twice the present size just because he expects to need the double space in twenty years. He will expand his plant as his needs increase; he will build as he goes along.

"To determine the economic road for each locality, figure out upkeep charges and interest and sinking fund charges (items you cannot get away from), and then determine which is the economical road to build for each locality."

It is not many years ago that such opinions as the above might have been regarded somewhat in the light of heresy. Now they stand out as representing sound judgment with regard to the relative needs of different parts of our various highway systems.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Philadelphia Charter has again withstood the usual legislative attack. This time it was in the form of a measure to increase the number of the council from 21 to 26. The bill passed both houses but was vetoed by Governor Pinchot.

◆

Mandatory Appropriations for Planning Commissions.—A bill before the Pennsylvania legislature compels all cities of the third class to appropriate annually at least one twentieth of one mill on each dollar of the city's assessed valuation to the city planning commission for annual operating expenses. The bill will also increase the functions and authority of the planning commissions.

◆

Improvement Comes Slowly.—Six months ago the people of San Francisco adopted an amendment to the charter to provide for centralized purchasing of municipal supplies. At present the city supervisors have not passed the necessary enabling acts to put the amendment into force and seven or eight separate agencies continue to make independent purchases.

◆

Wilmington Charter Lost.—The city-manager charter of Wilmington, Delaware, drafted after a great deal of care, under the technical supervision of Mr. Clarence D. Greene of Dayton, Ohio, was defeated by the legislature.

◆

Two Appointments of New Detroit Mayor.—On the day that Mayor Frank E. Doremus took office he announced the reappointment of Frank H. Croul, a man of recognized ability, as police commissioner; but within a week he asked for the resignation of Henry Steffins, Jr., the most efficient comptroller Detroit ever had, and named in his place William J. Nagel, formerly postmaster under the Wilson administration and, before that, deputy city comptroller. Nagel is a personal friend of the mayor and we regret that he saw fit to discharge Mr. Steffins, who by reason of special training and record in the office was eminently fitted to continue.

Seattle Not to Revise Charter Now.—The proposal to begin at once revision of the charter of Seattle was killed in committee of the council by a recommendation that the petition of the Municipal League for the election of a revision committee be indefinitely postponed. There has been much agitation in Seattle for a city-manager charter and the issue will doubtless be raised again in the near future.

◆

Los Angeles Municipal Vacation Camps.—C. A. Dykstra of the Los Angeles City Club has promised us an article on Los Angeles vacation camps which have been operated successfully for the past ten years as a municipal undertaking. This year a new vacation site is being secured in the mountains in addition to the two camps already established. A surplus fund of $5,000 from these two provides the initial building fund. The camps allow hundreds of business men and their families to enjoy each year at cost a royal outing that will long be remembered. The camps are in the Sierra national forest and contain some of the most interesting geological phenomena on record. Side trips from the main camps afford keen sport and additional scenic beauties.

Taxpayers and residents of the city may register for vacation trips of one or two weeks.

◆

Sequel to the Recall in Oregon.—In the Review of last July, Professor J. D. Barnett of Oregon told the story of the recall of two members of the public service commission of that state. The commission had authorized what seemed to be an outrageous increase of telephone rates, following other utility rate increases, and aroused thereby the fierce resentment of many people.

The two commissioners against whom sufficient recall petitions were filed to demand an election, were recalled by a large majority and successors elected who would presumably follow out the edict of the election.

The efforts of the new commission, however, to make a reduction were held up by the courts and at the election last fall one of the two new members was defeated. Inasmuch as his successor seems to work with the member of the old commission who was not recalled, those who engineered the recall find that they are about where they were in the first place.

✦

The Constitutionality of Tax Exemption Laws for New Building.—The building trades in New York City were thrown into confusion in March by a ruling of a supreme court justice that the law exempting new buildings from taxation for ten years was unconstitutional as being special legislation classifying property for taxation. The court conceded that the legislature has full power to classify property for tax purposes but such classification must be by general law. Because the matter of excluding new building from taxation was left optional with the various localities, the measure was special legislation.

This decision was, however, promptly overruled by the appellate division and now goes to the court of appeals, the final court in New York State. The appellate court held that the classification was reasonable and that the law was not of special but of general application.

A similar law in New Jersey met a worse fate. The same month in which the first New York opinion was handed down the New Jersey court of error and appeals affirmed an earlier decision of the supreme court that New Jersey municipalities must continue to assess new buildings which were to have been exempt for five years under the tax exemption act of 1920. According to the New Jersey court this exemption creates an arbitrary classification of property forbidden by the state constitution.

The New Jersey measure never really went into effect as the New Jersey municipalities continued to tax new building under an opinion given by the attorney general soon after the law was passed.

✦

Administrative Consolidation Advances in New York.—The legislature has passed a constitutional amendment consolidating the 180 bureaus, departments, commissions and officers of the state administrative establishment into an orderly series of twenty departments, headed in most cases by a department head appointed by the governor. As part of the process, three little elective offices disappear from the ballot, namely, the secretary of state, who becomes appointive, the state treasurer, who is merged into the finance department and the state engineer and surveyor, who becomes part of a department of public works. This leaves on the ballot the governor, lieutenant governor, attorney general (a concession to the opposition) and the state comptroller, from whom, however, are taken away numerous administrative functions leaving him simply the auditing powers and a radically reduced patronage. In the past the patronage of these minor offices has been the undisputed bailiwick of political hacks and has been used to nourish the Republican machine for generations.

The present assembly is Republican and the senate is Democratic. Although the short ballot has been a feature of Republican platforms for over ten years, ever since Governor Hughes first put the idea into his messages, and although the Republican constitutional convention submitted a short ballot constitution under the leadership of Elihu Root, Wickersham, Stimson and other important party authorities, the Republicans in the legislature have been hard to whip into line for it when the task came. When Governor Smith was in office three years ago he appointed a commission which surveyed the state administration elaborately and introduced the same plan of consolidation. The Republicans refused to touch it because it was of Democratic origin and put through a hasty but fairly good substitute of their own making. The next year at a nod from Governor Miller, who was rather frankly prejudiced against it, the same Republicans defeated it on second passage and the work had to be begun again this year. The present text is the original unspoiled work of the Reconstruction Commission of three years ago save for the compromise that retains the elective attorney general and some minor details. It will have to be passed again in 1925 and submitted to referendum in November, 1925.

Sundry statutory consolidations consistent with the major scheme have been passed. An executive budget amendment and an amendment making the term of state officers four years instead of two were defeated.

R. S. Childs.

✦

Story of a Legislature.—Classes in civics and even college students of political science could do worse than spend a little time upon two pamphlets issued at Trenton. The capital of New Jersey is not noted as a publishing center, but in this pair of pamphlets it makes an excellent beginning. The two publications are entitled "Disposition of Bills and Joint Resolutions Delivered to the Governor" and "Veto Messages of George S. Silzer, Governor." The opening page of the first-named pamphlet is a model of comprehensiveness, conciseness, and lucidity. It deserves to be printed entire in textbooks on government as a picture of the actual working of a legislature.

The New Jersey lawmakers were in session this year from January 9 to March 23, a space of eleven weeks. In that period 754 bills were introduced, of which 253 were passed—almost exactly one-third. The governor vetoed 68 bills, which was slightly more than one fourth of the number reaching him. The legislature passed thirty-two bills over the veto. Thus the total number of laws enacted was 205. An interesting detail is that 38 of the bills vetoed originated in the senate, as against 30 in the assembly. This fact will deepen the impression that there is little to choose between state senates and assemblies. The dark side of the story is told in a brief closing paragraph: "During the first eight weeks of the session the total number of bills presented to the governor was 36, 18 from each house, and the remaining 217 bills submitted came in during the closing hours."

Any one who doubts the desirability of the veto power or who thinks that veto messages are necessarily dull reading will be enlightened by running through the veto messages of Governor Silzer. Of one bill he writes: "The bill has absolutely no value unless the money is appropriated in the annual or supplemental appropriation bill. No such appropriation is made . . . and therefore the signing of this bill would be a mere gesture." Not once but several times he returns groups of bills with this comment: "Most of these bills are carelessly drawn, and some of them, if enacted, will destroy their purpose, because they have amended the wrong acts." Of a bill to license persons engaged in electrical contracting he remarks: "This would prevent those thoroughly qualified from engaging in this business unless licensed by the examining board, consisting of those whose main desire would be to keep out competition." The governor of New Jersey has only five days after the adjournment of the legislature in which to consider bills. It looks as if the legislature took even less time to consider some of those it sends to his desk.—*New York Evening Post.*

Proposed Reorganization in Pennsylvania.—Governor Pinchot's administrative code is now before the Pennsylvania legislature. In large measure it is of the orthodox type. It provides for the usual reduction in the number of departments, boards and commissions and for the creation of a balanced and systematized administrative organization. Twelve code departments with chiefs appointed by the governor and the senate are provided. These include departments of state and finance, justice, public instruction, military affairs, agriculture, forests and waters, labor and industry, health, highways, welfare, property and supplies, and commerce. The existing boards of game and fish commissioners and the public service commission are continued as are three interstate commissions for building or maintaining bridges. Three departments headed by elective officers of course remain and complete the administrative scheme as proposed by the code.

A fundamental tenet on which the code is built is the advisability of centralizing administrative and financial control in the governor. The governor is given power to approve the number and compensation of the employees of the code departments. In addition an executive board composed of the governor and four department heads whom he is to designate is created with power to approve the internal organization of the code departments and to determine the number and functions of the divisions and bureaus in each. Power is also granted to the board to standardize salaries and wages. The fact that the powers and duties of the several departments are expressed in vague terms adds to the completeness of the governor's administrative control.

Financial control is likewise broad. An executive budget is provided. The constitution gives the governor power to veto items in appropriation bills. The combination of the item veto power and the executive budget gives the governor large fiscal powers but the code goes a step farther. It provides that appropriations shall not be available for expenditure unless the heads of the code departments, boards and commissions submit periodic expenditure schedules to the governor for his approval. The governor is thus given constant day in and out control over expenditures and is enabled to prevent unwise expenditures or expenditures in excess of income.

It is difficult to imagine a code concentrating greater power and greater responsibility in a state executive. If the code becomes law in its present form it will furnish an admirable test of the doctrine that good government depends on the centralization of authority and of responsibility in one individual. HARRY A. BARTH.[1]

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State Reorganization Proposed in South Dakota.—A joint committee on administrative reorganization of the 1923 legislature of South Dakota prepared and introduced a bill (Senate Bill No. 306) providing for departmental reorganization. This bill sets up five administrative departments, as follows: finance, industry and labor, public works and highways, agriculture, and education. Each department is to be headed by a single person, called secretary, appointed by and serving at the pleasure of the governor. A striking thing is the provision that the secretaries may be appointed from citizens living without the state. Salaries of $3,600 to $5,000 each are provided for the secretaries.

The department of finance is to be organized under five divisions: auditing and accounts, purchasing and printing, taxation, employment, and rural credits. An executive budget is to be prepared under the supervision of this department. The director of employment, who heads the division of employment, has more extended powers over the employees of the state government than the average state civil service commission. The division of rural credits, the head of which is to be the secretary of the department of finance, is to handle the $50,000,000 rural credits business of the state government.

The department of labor and industry is to have four divisions: banking, insurance, public utilities, and labor relations. The division of public utilities is to have a single head. The department of public works and highways is to be organized into four divisions: division of engineering, bridges, designs and survey, division of equipment and supplies, division of construction and maintenance, and division of state industries and property. Under the last-named division is to be placed the state operated coal mine, the state cement plant, and other state industrial projects.

The department of agriculture is to consist of six divisions: animal industry, plant industry, markets and statistics, inspection, game and fish, and state fair. An extensive codification has been made in this bill (pp. 58–292) of all the laws relating to the agricultural work of the state. The passage of this part of bill alone would be quite an accomplishment for the state, and would set up a much-needed departmental organization to supervise the state's most important industry.

The department of education is to have the following five divisions: public instruction, the historical department, a board to administer federal funds for vocational education, boards to license trades and professions, and public health. This department seems to have been added to the bill as a kind of after-thought and is pretty much of a hodge-podge of activities. All the public health work of the state is to be placed in this department and subordinated to the secretary of education. The department is to take over the work of the superintendent of public instruction, a constitutional elective officer. Since this officer cannot be abolished by the bill, he is evidently to continue without anything to do.

The reorganization proposed by this committee follows rather closely, with the exception of the department of education, the recommendations on administrative organization made by the New York Bureau of Municipal Research in its survey of the state government, which was submitted to Governor McMaster in 1922. Recent reports are to the effect that the legislature will probably not act favorably on the work of its committee. A. E. B.

⁂

Commercial Managers For English Cities.—The following interesting bit of information is clipped from the London *Municipal Journal:*

> Hull Corporation is investigating the possibilities of economy and improved administration by the appointment of a commercial manager—an idea which appeals to the mass of ratepayers who think municipal affairs could be improved by a little more of the commercial element.
>
> American towns in some cases have their business managers, who undertake the whole civic responsibility and the advocates of this system declare it to be eminently successful. England, however, is not likely to embark on similar business control of municipal affairs.
>
> The Hull suggestion does not go so far as the American practice, but is merely to hand over what are essentially business concerns to a commercial manager.
>
> There is nothing new in this idea, even in England. Leeds, indeed, has had a commercial manager for years and Sir Robert E. Fox, the town clerk, has just assured the Hull Corporation that the creation of this position has resulted in improved administration in the various labour employing departments of the corporation, par-

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[1] University of Pennsylvania.

ticularly in the highways and the cleansing departments, where the costs of administration have been considerably reduced.

As there is nothing like success, the evidence at the moment is undeniably in favour of the commercial manager. When towns propose such appointments they will naturally base their decisions on towns which have made such experiments.

Leeds, then, proves that there is much in commercial management, and if a thing succeeds somewhere it ought to succeed anywhere—providing of course that the right commercial managers are obtainable. That is where difficulties may arise. We have not overmuch faith in those who describe themselves as supermen. They promise much but give little.

Possibly the Leeds innovation has been so conspicuously successful because the corporation already had in its service a man who had all the qualifications for the commercial management of the city. The corporation appointed Mr. J. B. Hamilton, the tramways manager, to take over the general duties in addition to those of tramway management. He acts as executive officer to the General Purposes Committee, which committee is appointed for the purpose of dealing with hours, wages, and conditions of labour of all the workmen employed in the corporation departments, and to deal, in consultation with other committees, from time to time, as may be necessary with the question of providing work for the unemployed.

He obtains and collects information as to comparable work in other towns, of the conditions obtaining with private employers in the city, and also with trade unions where standard rates of pay have been established. The information has been invaluable to the General Purposes Committee in assisting in maintaining uniformity of treatment between the various departments of the corporation and outside employment.

His responsibility for the distribution and supply of labour to the various departments has proved justified inasmuch as it has been beneficial in obviating overstaffing.

It will be seen that the Leeds commercial manager is by no means a civic boss, but merely a very valuable official who can comprehensively co-ordinate the manifold civic services.

Meanwhile Hull is considering. A deputation is to be sent to Leeds to see how the commercial manager scheme is progressing.

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Letter from Mayor Curley of Boston.—Apropos the article in the April issue of the REVIEW entitled "Boston Faces Radical Charter Changes" by George H. McCaffrey, secretary of the Good Government Association, Boston, we publish below a letter received from Mayor Curley:

The Editor, NATIONAL MUNICIPAL REVIEW,
New York, N. Y.

Sir: Replying to the article by the secretary of the Good Government Association in the April issue of your magazine, I beg to state that with the customary disregard for truth, the secretary of the Good Government Association declares that Boston faces radical charter changes. This declaration, made before a single member of the committee to make changes has been appointed, is most unusual, while the argument presented as reason for revision of the charter is illogical.

Great stress is laid upon the fact that in the election of 1922 but 29 8/10 per cent of the registered votes were cast, despite the fact that this is not an unusually low percentage as contrasted with the neighboring town of Brookline where in the town election of 1923 the total vote cast was but 29 4/10 per cent.

The failure to make mention of the exceedingly large percentage cast in 1921 which was in excess of 77½ per cent of the total registered vote savors of a desire to deceive the limited few who may read the article in question. The public as a whole recognize that under the charter of 1909 not only financial authority but authority with reference to ordinances and the conduct of municipal departments generally was centered in the mayor, and that the council as at present constituted lacks the power to override the veto of the mayor either in financial expenditures or amendments to the ordinances and is largely a debating society, which fact apparently the secretary of the Good Government Association has failed to discover but which the public, whom he terms "gangsters," know to be a fact.

The present mayor of Boston understands both the duties and responsibilities of the office which he occupies and proposes to administer them on a strictly business basis and does not seek either suggestion or advice from paid political parasites of the McCaffrey type.

The substitution of the district partisan system of election for the present city-wide non-partisan system would result in the re-establishment of a municipal legislative system under which business administration would be impossible and the vicious system conducted by log-rolling ward-healers controlled either by the Good Government Association or some equally corrupt body would be supreme and would afford opportunity to work not for the public good, but to work the public for their personal profit. The present system of government in Boston and the present council may not be ideal but it is so far superior to any that has previously obtained that it is advisable to carefully consider the possible results in event of a change. The fact that the Good Government Association is confronted for the first time with a City Council with sufficient intelligence and courage to formulate decisions without the advice of the Good Government Association's hirelings can scarcely be considered by intelligent men as a logical argument in favor of the abandonment of a system generally recognized as superior to any now in operation in any municipality in the United States.

Respectfully yours,
JAMES M. CURLEY,
Mayor.

Regional Planning in Los Angeles.—As already reported in the REVIEW, Los Angeles is taking active steps towards regional planning and a regional planning conference has been organized which meets regularly.

There have recently been two developments of interest:

> The first of these is the appointment of a regional planning commission of five members by the county board of supervisors. The ordinance creating this commission took effect on January 18. It provides that the regional planning commission shall act in the capacity of an advisory body to the county in exactly the same way as the city planning commission in the several neighboring municipalities functions to their city governments. In addition, the regional planning commission is directed to co-ordinate, in so far as possible, the development programs of those municipalities constituting the metropolitan district to the county in so far as its territory intervening between these municipalities where the actual work is just getting under way is concerned.
>
> The second added development is in respect to control over new subdivisions. The city of Los Angeles, under the direction of the city planning commission has, for some time now, been giving increasing attention to this subject. As a result, we have accumulated through experience, certain thoughts that have taken the form of standardized practice and standard requirements under given conditions. These with other thoughts and suggestions added through the regional conferences, have been combined in what we call a "Subdivisions Manual" that is now being published by the county for distribution among city engineers, planning commissions, private engineers and land owners in the metropolitan district. We lend much importance to this development especially in view of the rapidity with which the remaining raw land is being subdivided and developed into urban territory.
>
> Our sewer systems give much difficulty due to the proximity of municipalities to each other and the peculiar topography of the metropolitan district. These same factors were involved in the seasonal flood menace that confronts our several communities during the run-off from the mountains to the sea. In 1913, the damage resulting from these floods was considerable and quite sufficient to compel action. The result was the formation by state act of a new political unit, the jurisdiction of which is co-terminus with the physical origin and hazard of flood. This is equivalent to saying that it is practically a metropolitan district. This new political unit ignores the municipality boundary lines and treats of a single physical problem through a single agency.
>
> It is quite obvious that sanitary drainage is almost an exact duplicate problem, except in respect to peak flow, which in the former case is annual and in the latter is daily. The common menace, however, has not been so apparent in the sanitary drainage as in the spectacular seasonal flood, with the result that until recently nothing was done. Through the regional planning conferences, however, a consciousness of the interdependence of municipalities in the metropolitan district was aroused. We are, therefore, now in the midst of preliminary consideration looking toward attacking the sanitary problem from a metropolitan standpoint. The present law we find, in an ambiguous way, suggests the possibility of the formation of sanitary districts as large or as small as they may be desired. We want this definite, however, and a bill is now pending making metropolitan provision for the sewage problem definitely possible.

G. GORDON WHITNALL.[1]

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Steps Towards Administrative Consolidation in Iowa.—Iowa has flirted with administrative reform at various times in her history as a commonwealth but no comprehensive reorganization of the administrative machinery has been undertaken as yet. A comprehensive study of the state administration was undertaken by a legislative committee, assisted by the firm of Quail, Parker and Co., in 1913. The committee suggested that seven administrative departments be created and that the head of each department be selected by the governor. In 1914 Doctor F. E. Horack of the State University of Iowa in a study entitled "Reorganization of the State Government in Iowa" advocated the adoption of what he pleased to call the Minnesota Plan of Administrative Organization which provided for six departments, each to be supervised by a director to be selected, so far as the constitution permitted, by the governor. Governor Kendall, when a candidate for the governorship in 1920, spoke frequently and effectively, during the campaign, in behalf of administrative reform and in his first message to the thirty-ninth general assembly which met in 1921 he made some specific proposals which did not, however, include a comprehensive scheme of reorganization. The legislature did not act on the governor's suggestions. Nevertheless, Governor Kendall renewed his recommendations to the fortieth general assembly which met in 1923; and house and senate committees on departmental affairs were selected to proceed to work out legislation based on the governor's proposals. After considerable delay, the committees finally made their report to the assembly. The report suggested the creation of two departments—a department of public health and a department of agriculture. The committees soon learned that the legislature was adverse to effecting any considerable administrative reorganization. Consequently, they withdrew the bill providing for the creation of a department of health. But the committees' suggestion for the creation of a department of agriculture was submitted to the legislature for its approval.

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[1] Director, Los Angeles City Planning Commission.

Although agriculture is the dominant industry in Iowa, the state government has never possessed an independent, completely organized department of agriculture. The present board is largely concerned with the management of the state fair. Outside of this function, its duties are inconsiderable.

After some hesitancy, the legislature approved of the recommendations of the joint committees. Governor Kendall has signed the bill and the newly created department is about to be set in motion. The act provides for the establishment of a Department of Agriculture under the direction of a secretary who is to receive a salary of $4,000 a year. The first secretary is to be selected by the governor with the approval of the senate. Upon the completion of the term of the first secretary, the act provides that subsequent secretaries shall be selected by the electorate. The members of the Iowa legislature were quite insistent upon the elective principle, believing that the danger in the future might arise of an "urban" governor being elected who might give his appointments a "city flavor"! In view of the fact that the rural electorate far outnumbers the urban in Iowa it is hard to understand the legitimacy of the legislators' fears.

The following independent establishments are transferred to the department of agriculture: The state weather and crop service; the dairy and food department, embracing all administrative agencies heretofore under the control and management of the state dairy and food commissioner; the department of animal health, embracing all the administrative agencies heretofore under the control and management of the commission of animal health; the state veterinarian department; state horticultural society; Iowa crop and small grain growers' association; Iowa beef and cattle producers' association; Iowa state dairy association; state poultry association; the hotel license and inspection service heretofore under the control and management of the state board of health; and the petroleum oil inspection service. The following agencies have been abolished: state dairy and food commissioner—the duties of the commissioner being transferred to the dairy and food department; the state veterinarian—the duties of this agency being transferred to the state veterinarian department; and the commission of animal health—the work of the commission being transferred to the department of animal health. Governor Kendall has called a special session of the legislature for December next to revise the Iowa *Code*. At that time the opportunity may present itself to induce the assembly to undertake, in a serious manner, a thoroughgoing plan of administrative reorganization.

Geddes W. Rutherford.[1]

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The Other Side of the Initiative and Referendum in California.—The following is a letter from Mr. A. S. Lavenson of Oakland, California, taking issue with the article by Doctor Haynes in the March Review, entitled "California Sticks to the I. and R.":

Editor National Municipal Review,
New York.

Sir: In the March number of your publication is an article by Dr. John Randolph Haynes entitled "California Sticks to the I. and R." This article deals mainly with the efforts of an organization called the People's Anti-Single Tax League to alter the percentage of signatures required on initiative petitions in the matters concerning taxation. Doctor Haynes asserts the contention of the league referred to is that the people cannot decide wisely on financial matters, but he intimates that its purpose is to destroy the initiative by one means or another.

I am not a member of the Anti-Single Tax League and do not feel called upon to defend its actions nor to interpret its motives.

I am not opposed to the principle of the initiative, though I believe a legitimate difference of opinion can exist with respect to some of its uses.

Doctor Haynes' statement is an *ex parte* presentation of the subject and since I believe something can be said on the other side, I ask your indulgence for that purpose.

There are people to whom the initiative is sacred. "The King can do no wrong"—and there can be no improper use of the initiative. As a matter of fact, *can* the people *en masse* decide wisely on financial matters?

One of the initiative measures involving taxation, cited by Doctor Haynes, and which provided for an increase in the appropriations for public schools from state funds, was carried by a large majority in the election.

Our lieutenant governor, in a public address, stated that of a group of a dozen members of the Berkeley Chamber of Commerce, *only one* knew that the measure in question placed a financial obligation of over $8,000,000 upon the state.

[1] Associate Professor of Political Science, Grinnell College, Grinnell, Iowa.

Was their vote on this proposition based on a wise discrimination? And may they not be considered to represent at least the average intelligence and wisdom of the voters of the state, as applied to financial matters?

It is very easy, without restraint, for people in all positions and walks of life to create financial obligations when their responsibility ceases with the creation of them. In addition to the case mentioned above, the people of this state had voted other financial burdens on the government, until the expense of administration far exceeds the receipts from taxes. As a consequence, the present governor was elected on a platform of economy, this practically being an admission by the people themselves that they had not wisely decided on financial matters. It is true, we also now have a state budget system, but of what avail is it when the people, by constitutional enactment, fix financial obligations which can only be relieved by another vote of the people?

Doctor Haynes says, "It is both interesting and significant to note that the State of California is supported entirely by a direct tax on corporations and not an *ad valorem* tax."

I take it the significant thing is that the people can vote anything they want—they may even make mistakes with impunity—because the corporations pay the bills.

I do not overestimate the Doctor's ability when I say I believe he could put up a mighty stiff argument to prove that the people pay when the corporations are taxed.

Another of his citations was an initiative measure repealing the poll tax which was adopted a few years ago. Instead of this being an act of wisdom, I am firmly of the opinion that it was one of pure selfishness. The individual voter's attitude toward the two dollars which he saved was vastly more personal than it was toward his share of $8,000,000 which he voted to expend.

Some years ago the people of this state voted an amendment exempting churches from taxation. I was among those so voting. I now realize how sentiment caused us to ignore the practical view of the matter. Churches may now occupy property which has become the very center of business activity and of high value. The city and the county not only lose the tax revenue from the church properties but suffer an added loss to whatever extent the churches prevent surrounding development. The churches could still be allowed the exemption with no appreciable loss to the community, had we been as wise as we might have been. If I and the majority of voters had been experts or even students in real estate matters, we would have stipulated that the exemption from taxation would apply to church property located without the fire limits, or under some other similar restriction. This would be no hardship on the churches, because if they wanted to take advantage of the exemption it would only be when their land values had increased sufficiently to pay for a new building in another location.

No banking institution nor business enterprise could succeed if they permitted the stockholders to promote financial experiments over the heads of those who are trained to the work and charged with the responsibility of making both ends meet.

No government can avoid just such a condition as our state is now confronting, with everybody taking a hand in dispensing its funds.

An effort to restrain the use of the initiative in fiscal matters is not necessarily an attack on the initiative, but is more apt to be the application of ordinary business prudence to the administration of the public business.

Sincerely yours,
A. S. Lavenson.

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Removals in the Civil Service.—The subject of removals in the civil service system has probably given rise to more criticism and comment on the system as a whole than any other one technical problem. The two principal sources of criticism are: first, the ordinary citizen, who views the civil service system from the outside and who is skeptical about it; and second, the employe who is seeking to protect himself from injustice, even, at times, at the expense of the best interests of the service. The average citizen has gained the general impression that the civil service is filled with dead wood, that there are a great many incompetent and inefficient employes who ought to be got rid of, that under the civil service rules it is practically impossible to remove them unless it can be proved that they are guilty of a crime. The attitude of the average citizen is largely based on erroneous assumptions. Generally speaking, heads of departments can easily rid the service of the inefficiency, if they would. (It is probably not true, however, that the average civil service employe is less efficient than the average employe in private enterprise.)

The employes themselves, on the other hand, claim, and justly so, that on occasions removals are made for political reasons or because of personal prejudice. A superior officer may take a personal dislike to one of his subordinates,—not because of any dereliction or lack of interest or efficiency in the performance of duty,—and remove him arbitrarily. This may be due to the fact that there are loopholes in the system provided for entrance to those particular vacancies but whether it is possible to correct the system so far as it is defective in the matter of entrance to the service is another question. In any case it seems to be expedient and just to give employes a measure of protection from unjust discrimination in the matter of removals.

It is quite natural that the employes should turn to the only measure of protection which they have knowledge of, namely, the right to carry their removal cases into the courts on a writ of certiorari. Veterans, volunteer firemen, members of the police and fire fighting forces and other special classes of employes in many jurisdictions have the right in cases of removal to review in the courts on writ of certiorari. What could be more natural than for the other thousands of civil service employes to say, "If policemen and firemen have this right, why should not we all have it?"

Court review for all civil service employes would lend such strength to the criticism which is now made of the civil service system on the part of the uninformed public that it would be impossible to controvert it. At the present time removals that should be made in a great many instances are not made because of the apathy of heads of departments. For this reason, the criticism of the general public should not be directed against the civil service system as provided by law, except in so far as a special exception is made of the cases enumerated above; but criticism should be directed against the heads of departments who fail to act as they are now permitted to act under the law. If, however, the law is amended so as to require of the head of department that in every case where removals are made or disciplinary action taken against any employe he shall hold a formal trial with witnesses sworn and testimony taken in accordance with all the legal rules of evidence with full rights guaranteed to the employe that in case he is dissatisfied with the outcome he may carry his case into court on a writ of certiorari, with the right to appeal to the higher courts, the criticism of the public as directed against the civil service on this score would be completely justified. It has already been found that in many cases where certiorari proceedings are taken by dismissed employes the court has found that some slight technicality was neglected by the removing official and the employe has been reinstated with perhaps two years of back pay. In such cases there has been no question as to the sufficiency of the facts. We have no doubt, however, that the court may sometimes unconsciously be influenced by his personal opinion as to whether the facts in the case were sufficient to justify the action taken by the head of the department. Civil service reformers while recognizing the need for some further measure of protection for employes against unjust removal, have always stood against any extension of the right of court review on writ of certiorari.

Those interested in this subject have made an honest effort to work out a plan which will provide for the employes the measure of protection against unjust removal to which they are entitled and at the same time which will conserve the best interests of the service and protect the system from the criticisms which are now so prevalent on the part of the general public. The National Civil Service Reform League has sponsored legislation which would provide for the creation of an independent agency under the control of the civil service commission to take cognizance of charges made by any citizen against employes in the classified service, and after a hearing, to remove employes found guilty of incompetency, inefficiency or other dereliction. Under this scheme the existing power of heads of departments to make removals at will is left untouched.

In the services of the states of Illinois and Colorado, of Cook county and Chicago and to a limited extent in some other cities, the civil service commission alone is authorized under the law to act in all cases of discipline and removal. The New York Civil Service Reform Association has for several years offered in the New York state legislature a bill providing for similar systems in New York as a substitute for the court review bill which has been insisted upon by the employes. There has been no progress made with this legislation, although on several occasions the court review bill has passed one or the other branch of the New York legislature.

It may be that giving complete jurisdiction to the civil service commission is not a satisfactory solution of the problem of removals in the civil service. It seems obvious, however, that such a plan is infinitely better than to run the risk of throwing all cases of removal in the courts as would be done by providing employes with the absolute right to a formal trial by the head of a department. The subject needs the careful attention of every public-spirited citizen, and it is hoped that a satisfactory solution may be worked out so as to prevent the incorporation in the law of any provision for court review excepting as to procedure. H. W. Marsh.

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A Score Card for W. Va. Cities.—The next great step in the improvement of government lies along the development of objective tests of efficiency. About the only tests that are commonly applied to-day are comparative tax rates. From the standpoint of successful government it would be hard to imagine a more meaningless test. Service rendered per dollar of taxes sounds reasonable on the face but we find it valueless in practice because we have never decided what service is or by what units to measure it.

The success of the Morgantown, W. Va., municipal score card, by means of which 400 citizens graded the efficiency of the various community undertakings, has led the Extension Division of West Virginia University to prepare a revised community score card for use of all West Virginia cities and towns. Readers will remember that the Morgantown scoring was reported in the April issue of the REVIEW. It was conducted by the chamber of commerce with the co-operation of the University.

West Virginia University is now prepared to furnish to responsible civic groups in the state tested plans for gathering together the facts which may be made the basis of a community score. Members of the faculty are available to help interpret the scoring "points" according to standards worked out by the University with the aid of many state and national authorities. Mr. Nat T. Frame, director of agricultural extension, is in charge of the work for the University.

We reprint below an excerpt from the score card put out by West Virginia University because it will be of interest to all who are trying to discover how the government of their city measures up. The score card is arranged under sections devoted to particular aspects of community life, and it is the government section which we reproduce. Other sections relate to health, education, etc.

GOVERNMENT

	Points Possible	*Points Earned* 1st yr.	2d yr.	3d yr.
A. HOME RULE:				
1. *Charter:* Made and amended by committee of citizens and approved by electorate.	(3)	(0)	(0)	(0)
2. *Civic Activities:* Council active and capable; at least 80 per cent of electorate participate in all elections; goodly number of live organizations as mobilizing agencies.	(8)	(0)	(0)	(0)
3. *Town Hall:* Municipally owned; adequate for all community purposes; housing all city officers, city archives, and a community library; used as a community center.	(5)	(0)	(0)	(0)
B. ORGANIZATION:				
1. *The Council:* Five to ten members, one-half elected every two years; has legislative powers only; appoints city manager; creates administrative departments but has no control over appointment of officers, not even confirmation; presided over by mayor who is a member of council and official head of city; nominated by petition and elected on a basis of proportionate representation from the city at large.	(5)	(0)	(0)	(0)
2. *Administrative Service:* A city manager as chief executive of city chosen solely on basis of administrative qualifications; salary fixed by council; not necessarily a resident of city or state; solely responsible for all subordinates; prepares annual budget.	(8)	(0)	(0)	(0)
3. *Administrative Departments:* Should not exceed six. Possible groupings; law, safety including fire and police, health, public works, finance, and education. Education, however, may be separated from regular city government. Functions of each department determined by council; heads appointed by city manager; subordinates named by competitive examinations.	(5)	(0)	(0)	(0)
C. ADMINISTRATION:				
1. *Law:* City attorney with eye single to the best interest of city; police judge appointed by council and supporting police by securing convictions; juvenile courts and juvenile police; all courts fitting into state system.	(5)	(0)	(0)	(0)
2. *Safety:* (a) Police efficient and exemplary; activities of each patrolman recorded from day to day; records of crimes and criminals; number of police force to be determined by character of population or area of city; adequate salary. (b) Fire department well organized and adequately manned force with engine, fire hose, ladders, etc., all motor drawn; building code drawn with view to fire prevention; regular inspections with a view to fire preventions; fire drills in schools; educating public in methods of fire prevention.	(15)	(00)	(00)	(00)

	Points Possible	Points Earned 1st yr.	2d yr.	3d yr.
3. *Public Works:* Reasonable expenditure for paving, sewering, and other public works including up-keep of all; all work done according to plan; departments in charge of competent engineers; complete and accurate records of all preliminary surveys and completed work; tests of all materials used in paving; frequent inspection of all work being done for city; garbage removal and street cleaning done regularly, systematically, economically; inspection of bridges; use of labor saving devices; and accurate accounts of all expenditures and complete records of all services performed for city.	(15)	(00)	(00)	(00)
4. *Financial Provisions:* A director of finance with direct supervision over accounts, financial records and assessments, collection of taxes and custody of funds; all accounts kept and approved in business-like form; financial reports made at least quarterly; tax rates not excessive and determined by council; all assessments at fair market values and revised by Board of Equalization. Special assessments for special benefits but in no case to be excessive; all permanent improvements made by bond sales; bonded indebtedness not to exceed 5 per cent of assessed value on property subject to direct taxation; temporary loans strictly safeguarded; all purchases to be centralized.	(15)	(00)	(00)	(00)
Health: (See "Health" section of Score Card).				
Education: (See "Education" section of Score Card).				
D. PUBLIC UTILITIES: Franchises and removals made only by ordinance and after public hearings; franchises non-transferable except by ordinance; may be terminated at intervals of not more than five years by condemnation and for purchase by city; strict regulations that good services may be had at reasonable charges; city should have right to repeal franchises for misuse and should be able to compel extensions and improvements; city should provide forms of accounts for all utilities and require the keeping of inventories of all utilities property.	(12)	(00)	(00)	(00)
E. CITY PLAN: To assure continuity city planning should be in charge of citizen board of which the city manager should be a member ex-officio; all planning should comprise zoning, streets, parks, buildings, extensions, etc.	(4)	(0)	(0)	(0)
Total Points Possible	(100)	Earned (00)	(00)	(00)

II. CITY MANAGER NEWS

BY JOHN G. STUTZ

Executive Secretary, The City Managers' Association, Lawrence, Kansas

More About Boulder.—The citizens of Boulder, Colorado, expressed their approval of their city manager plan of government on April 10, by a vote of 2,730 to 1,340, when an attempt was made to change to the mayor and council form of government. The old city politicians, under the leadership of a former mayor, led the fight for the mayor and council form of government. The services rendered the city by former City Manager O. E. Heinrich and Mr. Scott Mitchell, present City Manager, were much discussed by the newspapers of Boulder as well as the newspapers in neighboring cities.

✠

Petitions, requesting the calling of an election to decide whether or not the city manager plan of government shall be adopted in Beatrice, Nebraska, have been filed with the city clerk. The special election will soon be called to decide whether or not the question shall be placed on the ballot in the spring of 1924. The proposition has twice been defeated in Beatrice.

✠

Durango, Colorado, will remain under the commission-manager plan of city government as a result of the decision of the voters in an election held on April 4 to change the charter to the mayor and council form of government. The present form was retained by a majority of 189 votes out of 1,067 votes cast.

✠

Stockton, California, will have a representative city commission if the ticket supported by the citizens' committee is elected. This committee is composed of representatives of business, labor and other interests in all sections of the city.

Durham, North Carolina, rejected a change from the city manager plan of government by a majority of 1,164 out of 2,674 votes cast.

✠

A City Manager charter for Lansing, Michigan, was defeated in an election held on April 2.

✠

Bert Wells, city manager of Atchison, Kansas, for the past two years, was given a $500 a year increase of salary on April 11. His salary is now $5,000 the year.

The Leavenworth *Sunday Times* comments editorially: "A strange thing has happened at Atchison—a faithful servant, who has cut expenses in every department and turned a deficit into a surplus, has been endorsed by the people. The mayor and commissioners who placed the manager in office were re-elected on April 4 by a vote of five to one. Atchison deserves the good government she is getting and it is quite probable she is in for a lot more of it during the coming years."

✠

E. M. Boon, a business man of Brownwood, Texas, has been appointed city manager to succeed A. C. Bratton. Mr. Bratton has resigned to return to the business of contracting.

✠

Highland Park, Texas, has adopted the city manager plan of government. Mr. H. S. Cooper has been appointed city manager.

✠

La Tuque, Quebec, has secured Mr. J. Nap Langelier as city manager at a salary of $5,000 the year. Mr. Langelier was for seven years previous to the appointment chief of the town of Pointe-Aux-Trembles, Quebec.

✠

Wolfville, Nova Scotia, will operate under the city manager plan by vote of the mayor and council. They have secured Gordon F. Stairs for the first manager. Wolfville has a population of 2,500.

✠

Clearwater, Florida, has employed William R. Galt as manager at a salary of $3,000 the year. Mr. Galt was formerly resident engineer in charge of water control and construction in Norfolk, Virginia.

✠

Bluefield, West Virginia, has employed Dr. David Littlejohn, formerly health officer of Ishpeming, Michigan, as full-time health officer. His first attention has been given to the preparation of ordinances governing the inspection and grading of dairies, restaurants, and eating places. By way of educational work, Dr. Littlejohn has a column in the Sunday edition of the local paper in which he writes on some topic pertaining to public health. S. N. Rangeley, Jr., has been appointed assistant manager succeeding Harold G. Schutt.

✠

The Tampa "Sunday Tribune" of March 25 carries a full page advertisement of the city of Lakeland, Florida. Among other advantages claimed for the city the following appears: "A commission-manager city charter assures the cleanest and most economical political government, and the personnel of the official family is guarantee of the rights and interests of the people being guarded and maintained." The advertisement is signed by Antone Schneider, city manager, and T. J. Appleyard, Jr., secretary of the Chamber of Commerce.

✠

Manager Beck Successful in Lynchburg.—Commenting editorially upon the report of City Manager E. A. Beck, the Lynchburg *News*, which is owned by Carter Glass and Sons, writes as follows: "Taking it all in all the report inspiringly attests the presence of business prudence, of sensible economy, and of wisely predicated progress, as the animating spirit of the city government. It indulges in no boastful claims. It simply, but with great particularity and convincing force, submits the results of the government's activities during the past twelve months as a basis for the information of the council and of the public. The record this portrayed may properly appeal to the profound and grateful satisfaction of the community."

✠

J. C. Manning has resigned his position as manager of Sapulpa, Oklahoma, to accept employment with the Blanchard-Rowe Investment Company of Chicago.

✠

Fire Department Hastens Thirty Miles to Fight Blaze.—Units from the Santa Barbara, California, fire department, under the personal direction of City Manager Fred Johnson and a crew of fire fighters were rushed to Alcatraz, thirty miles north of the city, on a special train, for the purpose of fighting a fire which threatened to destroy the Associated Oil Company's tanks. The fire destroyed the main pumping plant with a loss of $50,000 and burned over an acre of ground around oil tanks containing two hundred thousand gallons of oil before the department succeeded in placing the fire under control.

◆

Albuquerque, New Mexico, is approaching the one million dollar mark in total capital assets, according to the report of the accountants which have recently investigated the city's books. The general fund shows a surplus of more than forty thousand dollars. Among the bills receivable by the city is an item of approximately four thousand dollars due from the county for fire protection outside of the city limits.

◆

The following cities are considering the commission-manager plan of government: Richmond, Virginia; Rochester, New York; Halifax, Nova Scotia; Corvallis, Oregon; East Orange, New Jersey; El Paso, Texas; Petaluma, Oroville, and Santa Ana, California, and York, Nebraska.

III. AMERICAN CIVIC ASSOCIATION ITEMS

Edited by Harlean James

The Washington Conference.—The orderly development of Washington is of vital concern to every citizen of the United States. Bricks and stone, hills and trees, stretches of green grass and distant views may and do have a profound influence on human beings. The assembling of these materials may typify an ideal far more important than the actual beauty of the building, monument or landscape. The beauty of Washington, in so far as it is beautiful, is an expression of our democracy. No public building, no public park, no public street *can* be made too beautiful for our citizens to enjoy. We in the United States do not stand for fenced-in beauty. We believe that the community should provide for every man, woman and child in the United States dignified buildings in which to conduct their public business and well planned parks in which to enjoy their leisure. Washington, the Capital of the Nation, was well-conceived and in many particulars the realization of the L'Enfant Plan has given the city a distinction found in few other capitals of the world. But we have outgrown the L'Enfant Plan. The extension of the streets and avenues which cover a comparatively level area of the old city into the hills which surround it is proving inconvenient, expensive and destructive of the really fine landscape of the District of Columbia. No provision is being made for neighborhood parks to serve the newly-developed residence districts. Altogether there is grave danger that Washington may be ruined, that the plan so well conceived nearly a century and a half ago may be surrounded by a "crazy-quilt" of streets and houses with little or no claim to beauty, convenience or economy. There is a recognized profession which deals with the laying out of new areas, but the city of Washington is not taking advantage of the expert guidance which it might command to insure the development of the entire region which is now rapidly being covered with streets and buildings.

In the recommendations of those eminent Americans who assisted Senator McMillan over twenty years ago—Daniel H. Burnham, Charles McKim, Augustus Saint-Gaudens and Frederick Law Olmsted—we have a park plan for Washington. Unfortunately all of the recommendations have not been followed and some of the areas then suggested for parks have been diverted to other uses. Others may still be obtained if action is not delayed too long. In the old L'Enfant street plan which superimposed a system of diagonal avenues over the gridiron which already existed, we have a highway system of charm and convenience for the old city. But there has never been a proper study of the residential areas surrounding the comparatively small inner city. Yet streets and buildings are being placed upon this area regardless of contours. Stream beds are being filled, hills gashed into steep clay banks, forest trees cut down and on many of the filled areas miles of row houses are already built, some of them already showing ceiling and wall cracks which presage greater damage later on. One purchaser of a home built on "made land" saw his pantry and kitchen part company from the rest of his house. Another was observed, after a recent storm, gazing ruefully into a "sunken garden," as big as his house, which had appeared overnight in his front yard.

Washington needs appropriations to purchase parts recommended in the McMillan report. It needs a method of selecting park areas for the region being developed. Washington needs a re-study of its highway system if the city is to escape ruinous damage to its landscape. In other words Washington needs a regional plan and it needs that plan very promptly.

Recognizing these needs the American Civic Association has announced an extensive project to organize committees in Washington and in fifty or more cities of the country to promote the orderly development of the Federal City. Mr. Frederick A. Delano has taken the chairmanship of the Washington committee and will proceed to select the members of the committee following the inspection trip and conference dinner held in Washington on April 21. At this dinner Federal and District officials presented facts which showed the progress of the city and its needs in parks, highways, housing, recreation, number and location of public school buildings and grounds, zoning, traffic and federal public buildings. The trip which preceded the dinner conference demonstrated to those who participated that the city of Washington had already suffered great destruction and was threatened by an outer setting unworthy of the gem of the beautiful inner city.

Federal and District officials have pledged their co-operation with the citizens' committees and by the time that the 68th Congress convenes the necessary legislation will be placed before this "common council" of the city of Washington.

The secretary of the American Civic Association started on May 1 on a field trip to organize committees on the Federal City in some fifty cities of the middle and far west. Announcement will soon be made of the chairmen in these cities.

Any reader of the Review who is interested in the welfare of the Capital of the Nation may subscribe for the Fact Service on the Federal City which is to be inaugurated in October. The price is $10.

✣

George E. Kessler.—Mr. George E. Kessler, who died on March 20, was a valued member of the executive board of the American Civic Association. Mr. McFarland has paid tribute to the service of Mr. Kessler by saying that he "has left upon his nation and upon more than one state in it enduring memorials to his genius, devotion and public spirit. It would be impossible to rate in terms of millions of dollars the value to the public welfare of what he has done, and such rating would be on a poor scale of values if it could be accomplished." Mr. Kessler's sound advice and unselfish service on the board of the American Civic Association will be missed.

IV. MISCELLANEOUS

Colorado Municipal Conference.—A municipal conference was held at Boulder, Colorado, April 26 to 28, under the auspices of the extension division of the University of Colorado. Our readers already know that Dr. Don C. Sowers, formerly secretary of the Akron bureau of municipal research, is now in charge of the municipal research work at the University.

Outstanding features were addresses by five Colorado city managers, and an address on municipal accounting by Henry Sayer, city auditor of Boulder, and one by Doctor Sowers on the activities of the various leagues of municipalities.

✣

National Conference on City Planning.—The fifteenth annual meeting of the National Conference on City Planning was held in Baltimore April 30 to May 2. A great part of the program was devoted to regional planning in its various aspects. George B. Ford of New York discussed the principles of regional planning, George A. Damon of California spoke on transit as a regional planning problem and Robert H. Whittin of Cleveland talked on zoning in relation to regional planning. The local planning problems also came in for a great deal of attention as is customary at all meetings of the Conference.

We go to press too late to announce the officers elected for the next year.

✣

Legislative Bulletin Service.—The Detroit Bureau of Governmental Research is again publishing a weekly legislative bulletin reporting the status of important measures in the legislature. By confining attention to the few important measures, the bulletin is made a very useful publication to any interested citizen.

✣

Kentucky Being Surveyed by State Efficiency Commission.—The state of Kentucky is undertaking a survey being conducted by a state efficiency commission authorized by the last legislature. Griffenhagen and Associates have been engaged as the technical staff.

The commission which is made up of private citizens, expects to take up each activity of the state government, including the county offices, and try to discover if it is a necessary activity, if it is costing too much for the return given and can it be bettered and, if so, how.

Griffenhagen and Associates were chosen because of their experience with similar work in other states and in Canada.

The commission believes that Kentucky is suffering from an accumulation of laws which lead to overlapping and uncoordinated governmental activities.

⁂

Camden Being Surveyed.—The New York Bureau of Municipal Research is conducting a comprehensive survey of the administration of Camden, N. J., under a contract with the new city commission. It will be recalled that following the election last year at which a reform candidate was elected mayor, Camden voted to change its charter to the commission form. At the first election for new commissioners the entire reform ticket was chosen and one of the first official acts was to engage the Bureau to make a survey. Already a number of administrative reforms have been accomplished, including the introduction of centralized purchasing.

For a good many years Camden has been content if not corrupt but for the time being at least she is committed to reform.

⁂

League of Women Voters to Promote Political Education.—At the annual meeting in Des Moines in April the League of Women Voters passed the following resolution:

> WHEREAS, the program of the League of Women Voters is to increase the numbers of efficient voting citizens, and
>
> WHEREAS, the realization of that purpose rests upon clear ideas of Government and Politics in the minds of energetic men and women;
>
> BE IT RESOLVED, that the National League of Women Voters in Convention assembled, recommend that in the coming year, each state League undertake a plan of study which gives special emphasis to the machinery of municipal and county government, the analytical observation of legislative bodies, and an understanding of the presidential primary laws, with a view to full participation by the electorate in the primary of 1924; and
>
> BE IT FURTHER RESOLVED, that each state League recommend such studies to each of its local Leagues in order that clear ideas necessary to intelligent voting may be broadcasted throughout the state.

⁂

Hatton Enters Race for Cleveland Council.—Members of the National Municipal League will be interested to know that Dr. A. R. Hatton, who drafted the new Cleveland charter providing for proportional representation in the council, has announced his candidacy for membership to that body. Hatton is known locally as the father of the manager plan. His platform is as follows:

1. A fair trial for proportional representation.
2. Selection of a really competent manager.
3. Observance of the rule that a city must live within its income.
4. Planning now for the extension of municipal ownership to all public utilities.

With reference to the last plan Doctor Hatton makes it clear that he does not promise that municipal ownership is a thing which can or should be accomplished at once. He does, however, think that experience shows that Cleveland must be looking toward it and should begin long and intelligent preparation for it.

⁂

"Detroit's Government" is the title of a short story of the services rendered during the year 1922 to the people of Detroit by their city government. It is a neat pamphlet of 127 pages and, with illustrations, tells you what you want to know about the city's activity. Detroit needs no advertising from us but she is deserving of additional fame for the publication and distribution of such a useful document. About a hundred thousand copies are distributed at four cents each through civic organizations and the schools. The board of education uses it as a basis of a course in community civics in the sixth grade and above. Much of the credit for the report is due to the city comptroller, Henry Steffins, Jr.

The science of reporting government is still in its infancy (witness the many dull and unintelligible municipal reports which reach this office) but such publications as *Detroit's Government* indicate a growing appreciation of the value of good reporting and a developing technique.

⁂

Tunnel Commenced Between Brooklyn and Staten Island, New York.—On Saturday, April 14, ground was broken for the construction of the Brooklyn shaft of the freight and passenger tunnel which is to unite Staten Island with the mainland. The work was commenced with proper ceremony, including music by two bands and an escort of boats.

The construction of the Brooklyn shaft marks the first step in the work and is to cost $459,000. However, the completion of one shaft, no matter with what ceremony it was begun, does not mean that the tunnel is assured. The Port of New York Authority is opposed to it and the estimated cost is $60,000,000, but so far no one has said where the $60,000,000 is to come from. However, anything that looks like a tunnel is pleasant in the eyes of those who own property on Staten Island.

*

The Fourth Annual Meeting of the Southwestern Political Science Association was held at Southern Methodist University, Dallas, Texas, April 2–4. The three days' sessions were devoted to sections on public law, international relations, history, government, nominating systems, economics, and sociology. History was added to the other social science groups in the Association and an amendment to the constitution was adopted changing the name to "The Southwestern Political and Social Science Association" and the name of the *Quarterly* to the "The Southwestern Political and Social Science Quarterly."

Officers elected for the ensuing year are: President, Mayor E. R. Cockrell, Fort Worth; vice-presidents, re-elected, G. B. Dealey, Dallas, Texas, F. F. Blachly, University of Oklahoma, D. Y. Thomas, University of Arkansas; elected members of the executive committee, E. T. Miller, University of Texas and Walter Pritchard, Louisiana State University. Professor Herman G. James of the University of Texas was re-elected editor of the *Quarterly* and Mr. Frank M. Stewart of the University of Texas was re-elected secretary-treasurer and editor in charge of the *Quarterly* until Professor James's return to the University.

Members of the advisory editorial board of the *Quarterly* were re-elected as follows: Professors Blachly and Thomas, and C. F. Coan, University of New Mexico, M. S. Handman, University of Texas, and G. P. Wyckoff, Tulane University of Louisiana.

The meeting place for the next annual meeting will be selected later by the executive committee.

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Edited by Edward A. Fitzpatrick. An incisive discussion of the whole subject of expert administration for municipalities. Covers specific as well as general applications of the use of experts in city government, regarding the latter as a highly specialized organization.

Municipal Functions

By Herman G. James. A survey of the major activities of the typical city, considered separately by departments, bureaus, and problems. A useful guide for all who wish to know by what standards a city government may adequately be measured.

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Edited by Edward J. Ward. A thorough discussion of the use of the school house as a community center. Outlines a complete and practical plan. Written out of wide experience with the problems discussed.

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By Harry Aubrey Toulmin, Jr. A complete exposition of the city manager plan, with special information as to the legislation necessary to install the plan, how to carry it out, and how to overcome the difficulties encountered.

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THE LEAGUE'S BUSINESS

New High School Pamphlet Just Off Press.—The League has just published a pamphlet designed for classes in government which is expected to meet a long-filled want. It is entitled "Outlines of Responsible Government." Edgar Dawson is the editor-in-charge, and each chapter has been written by a specialist in collaboration with an experienced teacher of civics.

The chapter headings with authors are as follows:

The Short Ballot—R. S. Childs, vice-president, National Municipal League, in collaboration with W. W. Rogers, Curtis High School, New York.

The City Manager Plan—A. S. Beatman, Julia Richman High School, New York, in collaboration with A. R. Hatton, charter consultant, National Municipal League.

The Budget—Luther Gulick, director, National Institute of Public Administration, in collaboration with W. L. Rice, Boys' High School, Brooklyn.

Essentials of a State Constitution—G. D. Luetscher, New Utrecht High School, New York, in collaboration with Edgar Dawson.

The chapter on The Budget was reprinted in the June issue of the *Historical Outlook*, which is read by about 10,000 teachers. The first response we received is exceedingly encouraging and we can't refrain from reprinting it here:

> Having just opened my *Historical Outlook* I find the notice of the four papers issued by your society. They are evidently just what I have long wanted and I beg you to send me one dozen of each by return mail if possible, since our school year is nearly over. To save time I enclose my personal check for $2.50; if that is not enough I will remit the balance immediately; if it is too much you may send me enough copies to balance. And please put me on your list of schools to receive your announcements.

Copies of this pamphlet, which is illustrated by charts, photographs and cartoons are being sent gratis to several thousand teachers. It is hoped that they will buy additional copies for their students.

*

Our Legislative Mills is the title of a series of articles on our state legislatures beginning in this issue. One article on a single legislature will appear each month for the next year. Typical states east, west, north and south will be covered. They are written by well-qualified persons and they will be readable. Place your subscription now so that you may receive the entire series.

*

Why We Need Excess Condemnation, which appears in this issue, with illustrations, has been reprinted in pamphlet form. We shall be glad to send you two or three copies gratis and quote you a very low rate on quantity lots.

*

LEAGUE MEMBERS TAKE NOTICE

To the Members of the National Municipal League:

You are hereby notified that at the special meeting of the Association to be held at the City Club, 55 W. 44th Street, New York, N. Y., on the 18th day of September, 1923, at five o'clock in the afternoon, a proposition to incorporate under Article 3 of the Membership Corporations Law of the State of New York, pursuant to Section 42 of said law, will be acted upon.

Dated June 4, 1923.

H. W. Dodds,
Secretary.

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POLITICIANS WIN AGAIN IN SAN DIEGO COUNTY

COUNTY MANAGER CHARTER DEFEATED BUT BY MUCH REDUCED MAJORITY

BY CHARLES HOOPES

San Diego, California

Our readers will remember that the San Diego county manager charter, when first up in 1917, was defeated by a vote of more than two to one. Following revelations by a grand jury a second manager charter was presented this year. The campaign was marked by the united opposition of city and county politicians although there was little actual criticism of charter provisions. It is another evidence of how strongly the politicians are entrenched in our unreconstructed counties. :: ::

San Diego county has been trying for several years to change its form of government. It is at present governed by the county government act. In other words it is governed by the state legislature and the local political ring.

"POCKET DISTRICTS"

In January of this year a board of freeholders was elected to draft a home rule charter for San Diego county. This charter provided for a county manager although he was given the title of controller. He was to be selected by a board of supervisors of nine members elected by districts. The composition of the board of supervisors alone was sufficient to arouse the antagonism of the vested political interests. For many years the county has been divided into five supervisorial districts and the population is so distributed that 125,000 are congested around San Diego Bay, while some 25,000 are scattered throughout the rest of the county. These are so "gerrymandered" that the political control has passed into the hands of a few who are able to perpetuate themselves in office by controlling the elections in a few pocket districts.

In California, it is mandatory upon grand juries, empanelled in the even year, to investigate all county business, accounting, etc., and report their findings. Several grand juries in the state reported such unbusinesslike methods that in 1909 the constitution was amended. Counties were allowed, by this amendment, to have charters similar to those of cities. In 1912 the San Diego county grand jury employed expert accountants to report on the business methods of the county. Upon this report they based some severe criticisms of county affairs and suggested that a charter might be the solution of the problem. For several years, the citizens tried to arouse the local politicians and obtain relief from the known evils, but without result.

POLITICIANS FORGET THEIR DIFFERENCES

Finally a board of freeholders was elected and a charter framed. In 1917 this was offered to the people. This charter was opposed by the county organization. The campaign was heated and the charter was defeated by a vote of two and one half to one. But as soon as possible the movement was once more inaugurated and the charter of 1923 was the result. During the time that this charter was being framed the grand jury of 1922 made a report and found the same conditions as did the jury of 1912.

The county organization was badly frightened. They raised a large sum of money and succeeded in allying with themselves the city organization, their argument being, "If we're ousted your turn will come next." The county charter also opened the way for a consolidation of some city and county offices. The assessors' office, in both county and city, have much influence and they joined issue against the charter.

THE CAMPAIGN

During the campaign there was little actual criticism of charter clauses. The opposition employed several attorneys who were also politicians, and in their statements and circulars they painted pictures of the many untoward things that might happen if the charter carried. Their campaign was based upon sophistry rather than facts, and the charter was seldom discussed upon its merits. The facts were that the charter was a simple business instrument, carefully framed by successful business men with the aid of competent legal advice. A county manager, purchasing agent, road engineer, a proper system of accounting and the re-districting of the county were the important features.

The campaign was heated. The opposition raised much money and all professional politicians and officeholders, both city and county, took active part in the fight. They even dominated the schools, and many teachers took up the fight at the instigation of the officials. In spite of the strenuous campaign which they waged, however, and the money which they spent, they won by the small margin of some 1,800 votes. In California it requires a majority only, and it is evident that the entrenched organization had a narrow squeak.

The citizens who want a charter are planning to revive the movement immediately.

REPRESENTATION OF INTERESTS IN ADMINISTRATION

BY JAMES D. BARNETT
University of Oregon

Do we already have P. R. in state and national government? Or is it guild socialism? :: :: :: :: :: :: :: ::

WHILE the recognition of the various economic interests of the community was originally the essence of representative government, the modern democratic movement has resulted in nearly obliterating constitutional arrangements for class distinctions in legislative bodies, and the reappearance of the ancient principle of representation in the Russian "soviet" system has been widely regarded as evidence of political degeneration. In view of this situation it seems very remarkable indeed that this principle has been applied to an increasing extent in recent years in the organization of administrative authorities in the United States. This development has been wholly sporadic, but there are now numerous illustrations of the application of the principle in state administration.

I

In Oregon alone there is a statutory provision for the representation of various economic interests on ten state boards and one county board. Thus, three labor boards, the state board of conciliation and arbitration, the industrial welfare commission, and the state industrial accident commission, are each composed of representatives of labor, capital, and the public. The statute establishing the accident commission declares: "Inasmuch as the duties to be performed by such commissioners vitally concern the employers, the employees, as well as the whole people, of the state, it is hereby declared to be the purpose of this act that persons shall be appointed as commissioners who shall fairly represent the interests of all concerned in its administration." In addition to three *ex-officio* members, the state board for vocational education contains "one member representing agriculture, one member representing the employers of labor, one member representing the employees, and one member (a woman) representing home interests." Various agricultural interests are represented on other boards. Five members of the state board of forestry are appointed upon the nomination of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association, the United States Forest Service, and the Oregon Woolgrowers' Association. The governor and the head of the school of forestry of the agricultural college represent the state on the board. Six members of the state livestock sanitary board are appointed upon the nomination of the executive committee of the Oregon Woolgrowers' Association, the Purebred Livestock Association, and the Oregon State Dairymen's Association. The secretary of the state board of health represents the public. The state lime board consists of five members, two appointed at large, and three upon the nomination of the executive officers of the State Grange, the Farmers' Educational Co-operative Union, and the Oregon Taxpayers' League. The state pure seed board consists of one member connected with the state agricultural experiment station, one "following the occupation of a farmer for a living," and one who is a dealer in seeds. The brand inspector of the Union Stockyards, and two "practical range stockmen" make up the advisory livestock brand adjusting board. One of the thirteen regents of the state agricultural college is the master of the State Grange, and the appointive member of the county fair boards is nominated by the agricultural and horticultural societies and the granges of the county.

II

There are a number of examples of similar representation of interests on federal boards. Although the law does not recognize the interests concerned in the organization of the United States board of mediation and conciliation, the railroad labor board is made up of three members, constituting the labor group, nominated by the employees and subordinate officials of the carriers; three members, constituting the management group, nominated by the carriers; and three members, constituting the public group, representing the public.

Besides four *ex-officio* members, the federal board for vocational education contains three others, representing manufacturing and commercial interests, agricultural interests, and labor respectively. The organization of the federal reserve board was recently changed to accord with the same principle. In selecting the six appointive members, the president is directed to have "due regard to a fair representation of the financial, agricultural, industrial and commercial interests, and geographical divisions of the country."

III

Apparently the application of this principle to administrative organization aroused no opposition as an heretical departure from the policy of representation of the "public" interests alone in governmental organization until the reorganization of the federal reserve board—at first demanded only for the *agricultural* interests. Some earlier opposition has been noticed, but this has been based upon objection to the limitations of the executive in the appointment of officials for whom he is responsible. Otherwise this sort of organization has apparently been generally accepted as wholly proper. However, when the reserve board was being reorganized the principle of "class" representation involved was severely criticised. The "classes" desire representation here in order to share in the *determination of policies.* So it was said in congress: "The federal reserve system is governed by the federal reserve board. That is to say, its policies are largely determined by the board. Therefore, agriculture, being one of the great basic industries of the nation, should have a voice in determining those policies." And, further: "When the cattle industry and the cotton industry and the grain industry are in distress and need financial aid and have to call on the federal reserve banking system, we want a real farmer on the federal reserve board to look after their interests." But this was opposed as a step in the wrong direction: "It will break down the [present] system and give support to the idea that we must have special classes represented on boards appointed under the federal government. . . . The proposal here means a breaking down of the system which has heretofore prevailed, a departure from a set policy and the establishment of a precedent destructive and un-American in the extreme." However, the reorganization was effected, and precedent in this direction was thereby strengthened.

If the representation of economic interests for *administration* is accepted, can it be logically rejected for legislation? One member of congress thought not: "The fact that the framers of the law have been compelled to concede that the agricultural interests as such require representation on the personnel of the financial agency of the country may some day lead the farmer to understand that to be truly represented he must have spokesmen whose interests are identical with his. And if he is to have spokesmen on the financial board of the government, why not in the legislative branch of the government?"

LEAGUES OF MUNICIPALITIES

BY DON C. SOWERS
University of Colorado

A description of the organization and work of the twenty state leagues.

THE efficiency of a public official depends to a great extent upon his knowledge of municipal affairs or his ability to acquire that knowledge easily and quickly. Immediately upon taking office the public official is called upon to make decisions regarding a wide variety of public questions, many of which he has never before had occasion to consider and consequently knows little or nothing about them. Perhaps no executive of any private business is required to make decisions on such a wide variety of subjects as are the officials of an American city. The most pressing need, therefore, of every conscientious public official, who is called upon to enact ordinances and local regulations affecting the well-being of the people of his community, is information.

The officials of the New York State Conference of Mayors and other officials spent four years in searching for methods of increasing their effectiveness before they finally concluded that their chief need was a clearing house for information. They realized that it was only in this way that the duplication of time, labor and expense of obtaining information could be avoided. Such a bureau was established in New York state in 1915, and after 18 months' operation the bureau council made this announcement: "We believe that we have in the bureau the most effective implement of warfare yet devised against inefficiency in municipal service."

TWENTY STATE LEAGUES

The plan which has been most widely adopted for supplying this basic need for information is through the organization of all the cities of the state into a league of municipalities. Such a league either establishes a bureau of information independently or maintains such a bureau in co-operation with the state university. Three municipal leagues operate independent bureaus, viz., New York, California and New Jersey. Sixteen municipal leagues either maintain bureaus of municipal information or co-operate with universities in operating them. In most cases the secretary of the bureau of government at the university acts as secretary-treasurer of the league, and the expense is borne partly by the league and partly by the university. Among the most active municipal leagues operated in this way are Indiana, Illinois, Kansas, Minnesota, Michigan, North Carolina, Oklahoma, Texas and Wisconsin.

At present there are about 20 active state leagues of municipalities. The California and Iowa leagues are the oldest. Both were organized in 1898. The first conference of California cities was attended by 29 officials representing 13 cities. The present membership comprises 240 cities. Each member city pays an annual membership fee ranging from $10 to $60 according to the population which produces a budget of about $4,500. The monthly publication is *Pacific Municipalities.* The Iowa league is the largest, with a membership of 561 cities.

STATISTICS ON STATE LEAGUES

A questionnaire was sent to all the leagues in other states asking for information regarding their work. Replies were received from these leagues in all states. Part of the information is summarized in the following table:

COMMON CHARACTERISTICS

Objects.—The objects of the leagues are to study the needs of the cities and to promote the application of the best methods in all branches of municipal service; to secure legislation which will promote the interest of cities and oppose legislation which is deemed injurious; to hold conferences at which views and experiences may be exchanged; to maintain a free bureau of information.

Membership.—Any city of the state is eligible to membership and may become a member on application and payment of the annual membership fee.

Fees and Dues.—The dues for each city are usually based upon the population and range from $5 or $10 for cities having less than 2,000 to a maximum of $750 for first-class cities in New York and New Jersey.

The leagues have usually secured special legislation making it legal to appropriate money out of the general fund of the city for the payment of dues in the league and in addition to pay the actual expense of delegates to the meetings of the league.

Officers.—The officers of the league consist of a president, one or more vice-presidents and a secretary-treasurer all

State	Date Organized	Present Membership	Official Publication	Approx. Annual Expend.	Secretary
California	1898	240	*Pacific Municipalities* Monthly	$4,500	Wm. J. Locke
Iowa	1898	561	*American Municipalities* Monthly	6,200	Frank G. Pierce
Michigan	1899	25	None		Bates K. Lucas
New York	1910	57	None	15,414	W. P. Capes
Kansas	1910	206	*Kansas Municipalities* Monthly	5,000	John G. Stutz
Nebraska	1910	50	*Nebraska Municipal Review* Quarterly		Theo. H. Berg
Texas	1913	54	*Texas Municipalities* Bimonthly		Frank M. Stewart
Minnesota	1913	175	*Minnesota Municipalities* Bimonthly		Morris S. Lambie
Illinois	1914	115	*Illinois Municipal Review* Bimonthly	3,000	R. M. Story
Oklahoma	1914	55	*Oklahoma Municipalities* Quarterly	2,500	F. F. Blachly
New Jersey	1915	170	None	7,000	Sedley H. Phinney

Other states having leagues are Wisconsin, Indiana and North Carolina.

of whom are selected at the annual meetings of the league, and direct the activities of the organization.

Activities.—The activities of these leagues comprise the following:

1. An annual convention. The place of meeting usually rotates from city to city. In some of the larger leagues, as New York and California, sectional conferences are held for different groups of officials as, for example, health officers, financial officers, purchasing agents, charity officials, etc. The time of holding the annual convention varies considerably: New York, Minnesota and Michigan meet in June; Iowa in August; California in September; Kansas in October; Oklahoma in November; Illinois and North Carolina in December and New Jersey in January.

For several years an exposition of various kinds of machinery and supplies used in municipal work has been held in connection with the annual conference in California.

2. Close attention to state legislation of interest to cities. Some leagues formulate definite legislative programs which they seek to have adopted. Several leagues have been instrumental in securing the adoption of uniform accounting systems for cities as uniformity in accounting methods is necessary in order to make comparison of costs in different cities.

The following subjects have engaged the attention of leagues in other states during the legislative sessions just closed:

Group insurance for city employees
Excess condemnation
City planning act
State zoning enabling act
Regulation of motor transportation of passengers
Tax limitation laws
Election law changes

3. Publication of magazine or journal. In Kansas, Iowa and California the magazine is published monthly. Texas, Illinois and Minnesota maintain a bimonthly publication. Nebraska and Oklahoma issue a quarterly magazine. New Jersey discontinued its monthly magazine two years ago, and New York has not adopted the plan of having an official magazine.

4. Bureaus of information. Such bureaus are maintained by the leagues in co-operation with the state university in Kansas, Texas, Illinois, Oklahoma, Minnesota, and some other states. A survey of the inquiries which were received by these bureaus during the past year shows that officials have needed information on a wide variety of subjects.

The following list of requests for information are typical:

Automobile ordinances regulating parking, traffic, etc.
Building codes
Ballot boxes
City manager plan
Consolidation of municipalities
Courts
Control of suburban subdivisions
Comparative tax rates
Fire department, size and character
Police department, size and character
Purchasing
Municipal markets
Mortality rates
Public utility rates
Water sheds
New sources of revenue
Interest on bank balances
Refuse collection and disposal
Street-paving construction and cost
Special assessments
Salaries of officials
Zoning

OHIO'S TAX VICISSITUDES NOT YET ENDED

BY EMMETT L. BENNETT

Civic League of Cleveland

Through the Taft Act Ohio struggles free from the Smith one per cent law, but does not abandon tax limitation. :: :: :: ::

It is part of the apocryphal history of Ohio that the state owes its notorious Smith one per cent tax limit law to the ambition of a former governor, who thought to distinguish himself in the eyes of a presidential nominating convention by forcing down the tax rate in his state.

Be that version true or false, the governor was not nominated. And the passage of time has abundantly disposed of any grounds for supposing that by enacting a statute a state can keep down tax rates. What did result was to force local governments to resort to bond issues for funds which might better have been raised by immediate taxation, and also to incur operating deficits later to be funded. And throughout the laws of Ohio passed since the Smith law are sprinkled acts excepting levies from the limits, or providing means for levies to be placed outside the limits by local votes.

In 1922 there appeared a curious recrudescence of the hunger after tax limitation. An amendment to the constitution was submitted by initiative, combining the repeal of the "uniform rule" with the enactment of stringent tax limitation into the constitution. It was defeated by somewhat more than 200,000 majority.

TO WIPE OUT CHAOS OF SMITH LAW

In the recent session of the general assembly tax legislation was again a pressing topic, as witness some seventy taxation measures introduced. Representative Robert A. Taft, of Cincinnati, chairman of the house committee on taxation, undertook long before the session opened to prepare a bill which would wipe out the chaos of the Smith law and its accumulation of amendments and exceptions. Mr. Taft worked with a committee of the Ohio Tax Association and with other interested organizations, and the rough draft of his bill was printed and circulated in advance of the meeting of the assembly.

In its course from introduction to enactment Mr. Taft's bill survived about as many buffets as the length of the session permitted it to receive. After the first series of hearings the committee found itself with so many amendments that it redrafted the bill and reported it to the house as a substitute. Upon third reading it was amended upon the floor, by the force of rural members whose enthusiasm for it was never high, and then recommitted and ordered reprinted, so that all might assure themselves of the result of the much amending. In order to muster enough strength to pass it in a house where small counties are over represented, and where tight tax limits and the "uniform rule" are potent shibboleths, an arrangement was effected whereby on the same day two of the measures desired by the "Cornstalk Club" were passed as companion measures. The senate passed all three, restoring by amendment to the Taft bill a provision for the elective budget commission as an alternative, which Mr. Taft had sought in the house to set up as the rule. The basic elements of the bill were not altered.

PASSED OVER GOVERNOR'S VETO

There had been a deal of speculation all along as to whether Governor Donahey would sign the bill. In his message he had recommended virtual local home rule in the matter of tax limits, and, while not drawn in any attempt to carry out his recommendations, the Taft bill fulfilled them as nearly as in all the circumstances could be reasonably expected. The odds were on his vetoing it. He vetoed it, alleging that it was a tax-increasing measure. He also vetoed seventy-three other bills, among them the two bills passed as companions to that of Mr. Taft. By so doing he left unimpaired the union of the Cornstalk Club and the urban group especially concerned for the Taft bill. All three were passed over the veto.

Almost immediately following its final enactment the state Association of Real Estate Boards began talking of a referendum, and has called a conference to consider steps to that end. Mr. Taft answered that the bill is in effect, and not subject to referendum. This by reason of its containing a tax levy, and so being exempt under the constitution. The attorney-general, however, has ruled that the act is subject to referendum.

TAX LIMITS STILL IN FORCE

The Taft act does not abandon rate limitations. That is probably unattainable yet in Ohio. But whereas Ohio had a ten mill statutory limit, with five mills more available upon popular vote, and still more available for certain purposes upon popular vote, and certain rates exempt, the Taft act establishes limits for local purposes of 17 mills in incorporated municipalities and 14 mills outside. The actual immediate change in the city of Cleveland is very slight.

The act provides means for local increase of the limits it sets up. A local taxing authority can submit an additional levy, for a period not to exceed four years, for a specific purpose, which may be carried by the affirmative majority of those voting on the question. Or the budget commission hereinafter described might, upon request by a taxing body, submit a proposal to increase the general limit, for a period not to exceed ten years, which would require a 60 per cent affirmative vote. No specific levy can be submitted at the same election with the question of a general increase. Neither can be submitted except at regular November elections, except that boards of education can submit specific increases at the August primary, to be carried only in case they receive more votes than a majority at the preceding November election.

Perhaps the most valuable effect of the bill would be in the establishment of the principle that debt charges should not be confused with operating revenues in a tax limit. Heretofore, under the Smith limit the issuance of new bonds has meant not the increase of the tax rate, but the diminution of operating revenues, though the revenues to be diminished might be those of another authority than the one issuing the bonds. All future debt service charges will be outside of and in addition to the limits. State taxes, also, are excluded from the new limits. Some state levies have been within the old.

A second advantage of considerable weight lies in the possibility of locally voting additional rates, as described above. Since the passage of the Smith law Ohio's large school districts and cities have been diverted from the sound practice of paying for recurrent outlays, such as school building and the improvement of streets, from current tax proceeds. The result has been an enormous increase of debt, the annual charges of which are already approaching the sums which would be required to care for the outlays entirely. The Taft act will make it possible by vote to return to the pay-as-you-go policy.

A CENTRALIZED BUDGET AUTHORITY

Mr. Taft had it in mind not only to reduce the tax limit laws to something approaching order, but also to establish a local budgetary control over all the taxing authorities within a community. His bill in its first form attempted to achieve this end by establishing a budget commission consisting of the county auditor, *ex officio*, and two other members elected from the county at large on a nonpartisan ballot, with power of reducing the budgets of local authorities and of distributing among them the levies within the limits. This commission was to work without salary or added compensation.

During the hearings considerable opposition was advanced from rural counties to the budget commission in this form. In consequence, the bill was changed to continue the budget commission consisting of the county auditor, treasurer, and prosecuting attorney, *ex officiis*, as under the old law. The senate amended the measure again, making it optional with counties to substitute an elective commission of three members. The auditor is to serve as secretary of the commission in either case.

The old budget commission had become little more than a rubber stamp, partly by reason of the meagreness of any relation of its work to the work of two of its members, partly by reason of political discretion, and in greatest part by reason of statutory minimum rates within the available limits, which so narrowed the distributable amounts that the commission had little room left for the exercise of its discretion.

The new commission will not find itself in full control of the seventeen available mills. Schools are guaranteed five, cities five, and counties two, a total of twelve mills. Five mills are left for the commission to apportion among library, special districts, and the authorities named. The commission has power to investigate the work and needs of the several authorities, and to recommend, but not to enforce, methods of absorbing cuts made by the commission.

It is the opinion of the author of the bill that under conditions existing in Cincinnati and Hamilton county the elected budget commission would achieve the introduction a considerable measure of general budgetary control. The writer inclines to doubt that it will be achieved in Cuyahoga county by any device short of consolidation into a single government of the whole metropolitan community. But even though the new commission should, after an initial adjustment, relapse into inactivity and become a rubber stamp, it will only be as we have been accustomed to having it.

THE CITY-MANAGER MOVEMENT IN ONTARIO

BY W. J. DONALD

Guelph, Ontario, was the first to adopt the city clerk-manager, a combination of the American city manager and the British municipal clerk. Government by committees, common in British cities, was retained.

IN 1919 Guelph, Ontario, adopted the city clerk-manager form of municipal government, thus copying not only the city-manager movement in America but also in effect British practice in Great Britain, South Africa and Australia. The adoption of the city-manager form was facilitated by the discovery that in effect the British city clerk has most of the functions of a city manager.

GUELPH'S QUEST FOR SOMETHING DIFFERENT

It was in 1916 that a committee of which City Clerk T. J. Moore was secretary began the study of reform of the city government of Guelph, Ontario. At that time the city had a system with an elected mayor and a council elected by wards and several elected, as well as several appointed, boards. City Clerk Moore wrote to municipal officials all over the English-speaking world for information concerning the form of municipal government. New Zealand, South African, Australian, Canadian, American, and British cities replied at length. The result of this voluminous correspondence was a bill presented to the Ontario egislature. The bill was defeated or rejected in 1917. In 1918, however, it was passed.[1]

THE COUNCIL AND MAYOR

For the year 1919 and thereafter the Guelph act provided for a council of eighteen aldermen elected by a general vote of the qualified voters of the city. Of these the six with the highest number of votes at the 1919 election were to hold office for three years, the second six for two years, and the third six for one year. Six are elected annually for three-year terms. The mayor is elected annually by and from the council at the first meeting each year. In case of a tie the candidate who is assessed for the highest assessment in the city of Guelph according to the last revised assessment roll is declared elected.

BOARDS AND COMMISSIONS

The 1918 act provided for the dissolution of the former board of water commissioners, board of light and heat commissioners, board of sewerage and public works commissioners, board of parks management, and board of directors of the Guelph Radial Railway Company. The council assumed the powers and rights of these boards and commissions with the exception of the board of light and heat commissioners, which now consists of three members including the mayor ex-officio and two citizens appointed in alternate years for two-year terms.

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[1] Chapter 62, Ontario Statutes, 1918.

CITY CLERK AND MANAGER

This same act provided that the city clerk should be an ex-officio member of all committees of the council with the right to take part in the discussions thereof but without the right to vote upon any question. It conferred upon him the duty of recommending from time to time to the various committees for adoption such measures as he may deem necessary or expedient. It is also his duty to keep the committees fully advised as to the financial and other needs of the city and as to all work and matters pertaining to the work of the committees.

On January 20, 1919, a by-law (ordinance) was passed to define the duties of the city clerk. Section 4 of this ordinance appointed the city clerk as city manager with the duty of exercising control over all departments under the control of the city council, the heads of which departments were thus made personally responsible to the city manager for the proper maintenance and operation of their departments. As no provision was made for appointment of the heads of departments by the city manager, this function continued to be exercised by the council.

DEPARTMENT HEADS

The organization of the administration was typical of Canadian cities. The city clerk-manager received a salary of $3,500. The city engineer is paid $3,500; his assistant receives $2,000. In 1920 other salaries were as follows: City treasurer, $2,500; tax collector, $2,500; relief officer, $800; sanitary inspector, $1,500; medical health officer, $600; building inspector, $1,200; fire chief, $2,100; police chief, $1,800.

The health officer is responsible to the board of health, but the council can dismiss him—and the city manager could recommend his dismissal. The police chief is responsible to the mayor, police magistrate and county judge, but the council can dismiss him also. The city manager could recommend the dismissal of any official or can dismiss any official himself and then ask for the council's approval.

Guelph has no civil service commission.

SPECIAL BOARDS

Guelph like all other Ontario municipalities has certain boards which could not be legislated out of existence because they are required by provincial law. The board of directors of the Guelph Radial Railway was continued —it is peculiar to Guelph. The board of light and heat commissioners, while not required by the province, was retained because of its relation to the Provincial hydro-electric system. Other boards are: Public library board, cemetery board, hospital board, Children's Aid Society.

COMMITTEES

In addition, five standing committees were appointed, each consisting of five aldermen and the mayor ex-officio. They are as follows: Finance, public works, fire, light and water, parks and buildings, railways and manufacturers. Special committees are also appointed from time to time. Each committee elects its own chairman at the first meeting each year. They meet every two weeks at stated times. The city manager presents all matters to them. The committee rather than the manager make reports with recommendations to the council and ask the council to adopt the report.

HOW THE SYSTEM WORKS

While there was a good deal of criticism of the form of government of the council and of the city clerk-manager, nevertheless it gave general satisfaction from the beginning. One of the newspapers was vigorously opposed to the manager and hoped to break his power by getting rid of the system. Party polities are not conspicuous in Canadian municipal government and Guelph is no exception to the rule. The system brought no special reforms in administrative procedure. The motives of all of the councilmen were good. Much "wrangling" of former days disappeared because Parliamentary rules were vigorously applied by the new mayor, H. Westoby, who, by the way, was also secretary of the Guelph Chamber of Commerce. There was entire satisfaction with election at large.

Two years ago, as explained below, the position of city clerk-manager was divided, one man being made city clerk and another manager. Guelph has since operated under this dual arrangement.

The city clerk-manager's powers of control over the department heads were merely ordinance and not statutory powers. They had to be exercised, therefore, with considerable discretion and much leniency. This had an adverse effect on administrative efficiency and correlation. Some criticised the manager for being too easy going and others for exercising his powers unnecessarily. Powers that are both poorly defined and also of uncertain permanence cannot be vigorously exercised. It is doubtful, however, whether the provincial government was, is, or is likely to be, willing to create statutory powers for a city manager or to otherwise formally recognize the city-manager idea in Ontario.

The council, the public, and the heads of departments emphasized the clerical duties of the clerk-manager and minimized his managerial duties. Tradition and precedent were against him. The city clerk in Canada is not the city clerk of England, and he is not likely to be accorded the dignities either of the English city clerk or of the American city manager. The Guelph experiment lost the dramatic advantages that go with newness. Yet they avoided the aftermath of unwarranted disappointment. All things considered, however, Guelph might have secured better results more quickly by bringing in as manager someone whose prestige would not have been minimized by familiarity. Nevertheless, the Guelph plan if it could have survived the first few years might have proved to be highly desirable. The traditions of the British city clerk's office might ultimately have surrounded the city clerk-manager's office in Guelph. The formal addition of the manager's powers—by ordinance—was probably necessary in order to create a new conception of the city clerk's duties and potentialities. Traditions are not created in a day, however, and one should not expect too much.

From the first there was room for improvement along the following lines:

1. It would have been better if the number of aldermen were twelve rather than eighteen, which the first city manager regarded as too large a number for a good "committee of the whole."

2. The standing committees should have been abolished in favor of a committee of the whole plus special committees. Standing committees tend to usurp the duties of the manager and to create a division of authority. The chairman of a committee is likely to regard himself as a sort of cabinet minister and to give orders conflicting with those of the city manager.

3. While there was no criticism of the election of the mayor by and from council, yet it would have been better

if the vote for mayor were by secret rather than by open ballot as the provincial law requires.

One might well wish, therefore, that the clerk-manager idea had been introduced into Ontario under more favorable circumstances. Election of the aldermen at large and the election of the mayor by and from the council are excellent methods of centralizing responsibility, but they are not quite enough. There needed to be a more clearly established centralization of authority for the municipal government of Guelph by more definitely establishing and protecting the manager's powers, by abolishing standing committees and possibly by somewhat reducing the size of the council.

RECENT DEVELOPMENTS

Since 1919, the city-manager form of government has been introduced in Niagara Falls and in Galt in each of which the city engineer also acts as city manager, but it is understood that in these cities the name "city manager" is given merely to give a little more power to the city engineer in the transaction of his duties.

Mr. T. J. Moore, the first city manager in Guelph, was fatally injured two years ago, and the position of city clerk-manager was divided, H. J. B. Leadlay being made city clerk and G. D. Hastings, city manager. Thus the city clerk-manager plan never had a fair trial. There is much division of opinion in Guelph regarding the office of city manager, and a reliable opinion has been expressed that if a vote on the question were taken by the citizens, it would result in a majority against it. This is chiefly due to a strong feeling that the extra expense is not justified—an objection which would be much less valid if applied to the city clerk-manager plan. Several attempts have been made in the council to abolish the single office of city manager, but so far without success.

THE ONE-MAN CIVIL SERVICE COMMISSION IN MARYLAND

BY FRED TELFORD

Bureau of Public Personnel Administration

The story of Maryland's success under her new civil service law which centers control in a one-man commission. :: :: :: ::

In the short space of two and a half years the state of Maryland has won for itself a prominent place on the civil service map. At the time the law establishing the merit system for the state service took effect, October 1, 1920, civil service administrators took note principally of two things—that Maryland was the first of the states below the Mason and Dixon line to establish a state-wide merit system and that it had decided to try out the experiment of a one-man commission. The success of the new system, however, has since led to considerable speculation as to whether the results achieved have been due to the one-man commission or to other influences.

AN ADVANCED LAW

It would be easy to conclude that the form of commission accounts for the successful launching of the merit system in Maryland. As in most other human affairs, however, the whole matter is not so simple as to justify this kind of reasoning. In fact, a number of factors must be considered in appraising the situation. Not the least important of these is the law itself. In addition to establishing a one-man commission, it contains a number of other advanced provisions. A considerable number of positions were placed in the exempt division by the legislature—but with the provision that they might be transferred to the classified service by the governor and thereafter taken out only by specific action by the general assembly. The law provides that the facilities of the commission shall be available upon request to any municipality or county adopting the merit system and also to the judges of the several circuits of the state. The commissioner was required to establish and put into effect a classification by January 1, 1921, or as soon thereafter as practicable, and to allocate positions to the classes established, such action to be subject to the approval of the governor. The law requires the commissioner to make a study of the rates being paid for similar services in public and private employment and to report to the governor schedules of compensation for each class of positions established, including minimum, maximum, and intermediate rates. There are the customary provisions with regard to the nature of examinations. The only backward provision of the law is the requirement that the names of five eligibles be certified to appointing authorities instead of the customary three, two, or one. With regard to temporary employees the commission is required to make certification of one qualified person, with or without examination. Other features of the law are mandatory requirements for the prescribing by the commissioner of standards of performance and the form and scope of the records that appointing authorities must keep as a basis for the determination of the efficiency of the employees; the checking and certification of pay rolls before payment; and the making of demotions and removals only for cause upon written charges after the employee affected has an opportunity to be heard by the commissioner in his own defense. Such a law, in a word, contains legislative sanction and authorization for high-class civil service administration.

THE GOVERNOR'S EXCELLENT ATTITUDE

Another favorable circumstance of equal or even greater importance has been the attitude of the governor, Albert C. Ritchie. Governor Ritchie from the beginning has shown a keen appreciation of the fact that the merit system properly carried out is desirable —even essential—to make his administration completely successful. The civil service law was passed at the beginning of his administration, not at the end. He appointed as the first commissioner Osborne I. Yellott, whose standing in the community was a guarantee to good citizens that the new law would be carried out in good faith and that politics would not enter into its administration. He approved the expenditure of money, both from the commission's appropriation and from his own contingent fund, to employ Griffenhagen & Associates, Ltd., an organization with a national reputation in employment matters, under Mr. Yellott's direction to devise a classification plan, to allocate positions to classes, and to help the commissioner to write the rules, design forms, work out the office system, and select and train the technical and clerical staff.

When fanciful or real objections were raised by administrators or others opposed to the merit system, Governor Ritchie supported the new law by pointing out that its few hampering provisions must be put up with because of the greater good that would come from its many excellent features. When it was shown that a trained chief examiner was essential and that no person with the requisite experience could be found in Maryland, he gave his approval to the importation of Oliver C. Short, who had had several years of training in one of the best civil service schools in the country, the state civil service commission of New Jersey. Following Mr. Yellott's accidental death, Governor Ritchie appointed Mr. Short as commissioner. By executive order he transferred to the classified service 1,100 of the 1,500 positions made exempt in the law. In numerous other ways he has shown himself a believer in the merit system and has lent the influence of his powerful office to making its administration a success.

ACHIEVEMENTS GREATER THAN ANTICIPATED

With these favoring conditions it would have been more than passing strange if the administration of the new civil service law had not been successful. As a matter of fact, however, the achievements have been greater than could reasonably have been anticipated. The rules, which became effective early in 1921 upon approval by the governor, provide a normal procedure for handling every transaction that is likely to arise but at the same time fairly bristle with such terms as "unless otherwise directed by the commissioner," "in the judgment of the commissioner," and "or for other reason satsifactory to the commissioner"; these "exceptions" permit the commissioner to take into consideration the peculiar circumstances connected with any unusual case. A set of forms intended not only to serve the commission's purposes but also to reduce to a minimum the work required of administrative officers was devised and distributed. In the commissioner's own office an adequate but simple procedure was adopted requiring the services of only four regular employees in addition to the commissioner himself.

The classification plan officially went into effect February 1, 1921, only thirty days after the date fixed by the legislature. The classification titles are now used for all employment transactions and were written into the budget approved by the legislature at the 1922 session. The first examinations were held in January, 1921, and before the end of that year employment lists had been established for all of the active classes and a considerable number of the inactive classes; lists have been currently maintained since that time. Some of the employment problems given up in despair in other states have been solved in Maryland. The superintendents of the various state hospitals, for example, are currently furnished with hospital attendants who have been given real tests and been found qualified. In the main temporary employees have been certified following an examination somewhat less thorough than that which is given preceding the establishment of employment lists; at no time, however, have temporary appointments been numerous or long continued in force. Pay rolls have been promptly checked and in no case have they been held in the office of the commission over night.

With regard to dismissals, it is interesting to note that so far fifteen cases have been appealed to the commissioner and that the decisions of the appointing authorities have been upheld in all except one case—and in that one case the charges were filed as the result of misinformation.

LAW HAS CONFIDENCE OF ADMINISTRATIVE OFFICERS

Perhaps the best evidence of the manner in which the new law is working is the confidence reposed in it by administrative officers. So successful has been its administration that there is no hesitation in bringing charges against inefficient employees. Many of the appointing authorities, particularly in institutions, now ask the commissioner not to send them five eligibles to interview, but to make the selection himself and to send one eligible ready to begin work; in view of the difficulty encountered in many jurisdictions where appointing authorities are reluctant to make a selection from the persons whose names are certified, this is high praise indeed.

The action of the legislature in the 1922 session, the first following the passage of the new law, was almost as complimentary. There were no serious attacks upon the merit system and its administration; on the contrary, its position was immensely strengthened by the reorganization of the state government effective January 1, 1923. The former positions of state employment commissioner and chief examiner and secretary are abolished and the position of director of the department of state employment and registration created; the director has a place in the governor's cabinet along with the heads of eighteen other departments. The director is made the spokesman for the numerous examining boards, and the board of public works, consisting of the governor, the comptroller, and the state treasurer, are given the power to authorize the director to perform secretarial, clerical, and other work for them.

WHAT SHARE OF SUCCESS DUE TO ONE-MAN COMMISSION?

Attempting to determine how much of the success of the civil service law in Maryland is due to the one-man commission and how much to other factors is almost as futile a proceeding as trying to determine who won the war. There seems to be no doubt that under a friendly administration the one-man commission has operated with greater efficiency than would have been the case with a larger body; that is, both actual experience and theoretical reasoning lead to the conclusion that the one-man commission makes for administrative efficiency.

In this connection, the provisions of the law requiring that the adoption and amendment of rules are subject to the approval of the governor and that the adoption of the classification plan and the allocation of positions to classes likewise must receive the approval of the governor before becoming effective have made the commissioner's position easier with regard to the quasi-legislative matters which he must handle; the governor, an elective officer, shares responsibility in these matters. The law specifically states, however, with regard to removals that "the finding and decision of the commissioner . . . shall be final and shall be certified to the appointing authority and shall be forthwith enforced by such authority"; but in this quasi-judicial matter there has been no real trial of the one-man commission owing to the fact that the appointing authorities have been almost uniformly upheld when appeals have been made by discharged employees. The commissioner's recommendations as to standard rates of pay were in considerable part disregarded in making up the biennial budget in 1922; whether the recommendations of a three- or five-man commission would have received greater consideration cannot be told. In this connection, however, it is significant that in the second (the 1922) report the commissioner recommends to the governor "that you appoint a committee to work out and submit a standardization plan"; presumably the commissioner would be a member of such a committee if it were appointed.

SUMMARY

To summarize, those who are familiar with the experience of the one-man commission in Maryland would have no hesitancy whatsoever in saying that the results during the two and a half years it has been in operation have been successful beyond expectations. There has been an almost complete absence of the friction which might reasonably have been expected, while the positive achievements are no less than startling. The one-man commission, however, is not the only factor which has contributed to these results. Other factors which must be taken into account are the advanced provisions of the law itself, the complete and sane rules which have been put into effect, the securing of the best technical advice in launching the new system, the selection of a high-class commissioner and of a trained secretary and chief examiner who was later made commissioner, the working out and adoption of a duties classification plan as the first step under the new system, the use of the very best types of modern tests to establish employment lists, the sympathetic interest and earnest support of a chief executive thoroughly convinced that the merit system is essential to the success of his administration, and a consistent carrying out by the technical and clerical staff of the commission of the very best procedure that has been developed throughout the country in civil service administration. Under such circumstances failure or, indeed, anything less than a high degree of success would be unthinkable. It can confidently be stated, however, that there has been nothing in the experience of Maryland to indicate that the one-man civil service commission would not be a brilliant success elsewhere—always providing the right man were chosen for commissioner.

WHY WE NEED EXCESS CONDEMNATION

A Boon to the Property Owner—A Blessing to the Public

BY LAWSON PURDY

For many years President of the Commissioners of Taxes and Assessments of New York City

Excess Condemnation is a poor word for a good thing. It simply means the power to apply eminent domain to land in excess of that physically needed for an improvement but incidental to it. The purpose is usually either to protect the improvement or to put the incidental land to its best use. :: :: :: :: :: :: :: ::

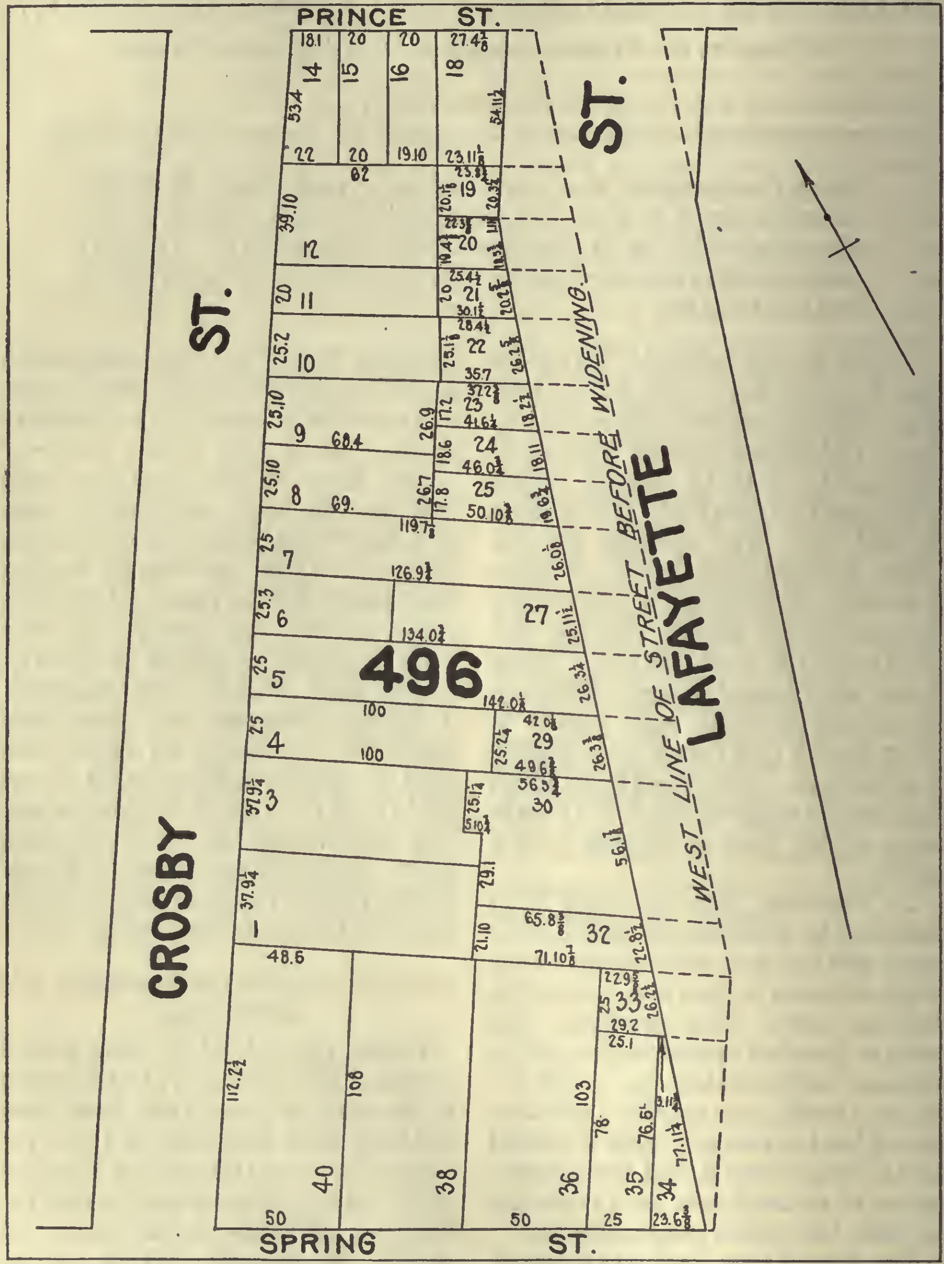
No city is ever finished. City planning is never done. As cities grow they must be replanned from time to time. Old streets must be widened or new streets must be opened. Open spaces must be provided. Parks must be laid out. The opening of new streets through settled parts of cities is a costly undertaking and so is the widening of old streets; but the cost alone is not the worst obstacle. When streets are widened or new streets are opened the abutting land usually is left in parcels that cannot be improved to advantage. Sometimes well-shaped plots are never assembled and it always takes a long time to develop such a street.

To overcome these obstacles it is necessary to condemn the land for the street and the land appurtenant to the street sufficient in area to form suitable building sites. This procedure has come to be called excess condemnation. Perhaps unfortunately so called because in reality it is not the condemnation of land in excess of what is needed for the improvement, but the condemnation of so much land as is necessary to make the improvement effective.

The state of New York was a pioneer in this country in its use of excess condemnation and unfortunately the first to condemn excess condemnation as unconstitutional. In 1812 the city of New York was granted the power to condemn remnants of lots taken for a street or park opening. The power was used in the opening of a number of streets, but in 1834 in the *Matter of Albany Street* (11 Wend 149) it was held that the city could take and dispose of surplus land subject to the owner's consent; without his consent surplus land could not be taken. Later the same decision was rendered by the court of appeals in 1850 (3 N. Y. 511). In the state of New York, therefore, it became necessary to amend the constitution in order to obtain the right to take land appurtenant to the land taken for a street or public place. The constitution was so amended in 1913. Similar amendments have been adopted to the constitutions of Massachusetts, Ohio, and Wisconsin.

EVILS OF TAKING LAND SUFFICIENT FOR STREET ONLY

During the last thirty years several streets in the lower part of Manhattan in the city of New York have been widened: West Broadway in 1894; Lafayette Street in 1903; Varick Street in 1913; Delancy Street somewhat earlier. Not one of these streets shows an orderly development. There are occasional good buildings and then mere shanties. One who is familiar with tax maps can see the reason when he looks at the map. One illustration is presented on page 5 showing the west


PRINCE ST.
CROSBY ST.
LAFAYETTE ST.
496
WEST LINE OF STREET BEFORE WIDENING
SPRING ST.
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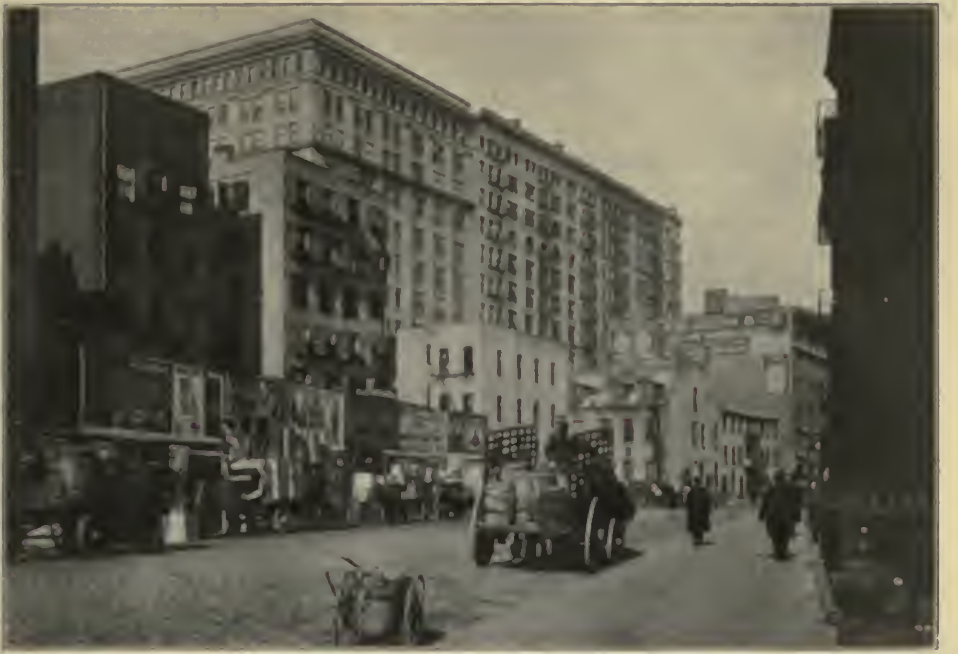
MAP SHOWING RESULTS OF STREET WIDENING IN NEW YORK CITY.
(Note large number of little parcels incapable of suitable development.)



WEST SIDE OF LAFAYETTE STREET, NEW YORK, TWELVE YEARS AFTER BEING WIDENED.

(Note billboards and building development out of harmony with surroundings. Suitable buildings would have been warehouses eight or ten stories high, as shown one block distant.)

side of Lafayette Street as it looked in 1915, twelve years after it had been widened. On the opposite page is the tax map. Suitable buildings for that location would be warehouses eight or ten stories high, similar to those which show in the picture a block distant.

Such buildings cannot be erected on lots 23 feet deep and 20 feet wide, or on a sliver 23 feet wide at one end and three feet wide at the other and 77 feet long. The picture shows the rears of buildings erected on the parallel street to the west, Crosby Street. Even those lots are too narrow and too shallow in most cases for really good buildings. Had the city taken the whole block and replotted it and then sold it under appropriate restrictions, new buildings would have been erected at once that would have been profitable to the owners and would have enabled the street to be put to the use for which it was designed when it was widened. As it is, the street is serving at many points as a convenient place for the posting of billboards. The owners of billboards contend vigorously that they are artistic and add to the attractiveness of the city. There they are in the picture; form your own opinion about them.

REMNANTS USELESS IF LEFT IN PRIVATE HANDS

In nearly all American cities all or part of the expense of opening streets or widening streets is assessed on property benefited. It is not uncommon for the owners of land that is assessed for widening a street like Lafayette Street or opening a new street like Seventh Avenue to complain bitterly of the burden imposed upon them. These complaints act as a check upon the imposition of proper assessments and upon the widening of streets that ought to be widened and the opening of streets that ought to be opened. In great measure this is so because the complaints are well founded. The owner of one of those little parcels of land on Lafayette Street, shown on the map, cannot get the benefit of the street widening unless he acquire other land or sell his lot to the owner of some neighboring land. It sometimes happens that the title is bad to some of these lots; that they are held in trust and cannot be sold; sometimes the owner is a foolish pig who wants more than his share, fails to sell at the right time, and holds up the whole improvement. Nobody is the gainer.

In the case of the widening of Delancy Street the existing lots ran parallel to the widened street. On many of the blocks slivers of land, 100 feet long, were left varying in width from 15 inches at one end to 5 feet or 6 feet at the other. The lots lying back of these slivers were usually 25 feet wide. It is almost an invariable rule that the major part of an assessment for a street widening is imposed on the first 100 feet, and the first 25 feet pays a much larger percentage than the next 25 feet. Often the first 25 feet pays three quarters of the whole assessment imposed on an area 100 feet deep. What could the owner of the sliver do with it? He might sell it to his neighbor. What could the neighbor do with it, who had a tenement house on a lot 25 feet wide parallel to Delancy Street? What could he do with the sliver? Next to him was another tenement house 25 feet wide.

If the buildings had been torn down and the land united in one ownership its value would have been increased tremendously by the widening of the street and the fact that the widened street formed the approach to a bridge used to capacity. The burden of these assessments at the time they were imposed was a cruel burden. So it has been in many cases; so it always will be, when land cannot be put to its appropriate use because of its shape or size.

In 1905 Livingston Street in Brooklyn was widened by 30 feet, making the street 80 feet wide instead of 50 feet wide. The lots on the southerly side of the street were reduced from the depth of 100 feet to 70 feet. The awards for the land taken and the buildings damaged and the consequential damage to the land that was not taken amounted to $1,989,000, while the total assessed value of the land and buildings was $1,268,000. There was such complaint by the owners of the assessments imposed upon them that finally the legislature passed an act to impose the entire expense upon the city. Six years later the value of the land that was left, being 70 feet deep instead of 100 feet, was $2,073,000, a sum $83,000 in excess of the awards for land and buildings and three times as much as the land alone was assessed for in 1905.

In this case if the city had taken the 70 feet remaining there would have been no question of assessment; the land could have been sold readily with appropriate restrictions with the requirement that it should be built on at once; the property would have been improved adequately and the city could have recovered two thirds of the cost, if not more.

In 1913, to form a thoroughfare from downtown Manhattan northward, an old street called Varick Street was widened and Seventh Avenue was extended south to meet Varick Street. This street is today a great thoroughfare. It is an admirable location for certain kinds of business. Some good buildings have been erected. The improvement of the street, however, has been delayed because of the perfect mess in which land-ownership was placed by the widening. On one block, for example, where an appropriate unit for development would be not less than 100 feet by 100 feet, there are eight lots varying in depth from 12 feet to 33 feet and varying in width from 4 feet to 39 feet; but the 39 foot lot is a wedge.

These illustrations can be matched in any city where streets have been widened through an old section. The more irregular the old streets were and the greater the need for a new street the worse is the condition that is left when the new street is opened.

BENEFITS OF EXCESS CONDEMNATION

Let us consider what a judicious use of excess condemnation can do. Everyone who has been in London knows Northumberland Avenue running from Trafalgar Square to the River. That street was cut through land which had not been built upon; it was bought from one owner. The cost was $3,557,000. The city sold what it did not need for $4,156,000. This was an extraordinary opportunity not likely to happen anywhere else. There was great demand for sites on Northumberland Avenue for hotels and other large buildings fronting on this wide avenue. The profit to the city is only an incident. The great value was the development of Northumberland Avenue quickly and appropriately with adequate buildings.

Every recent visitor must know Kingsway. Kingsway runs from the Strand north to Holborn. This undertaking was commenced in 1899. A street 100 feet wide was put through what had been a very poor section. The operation consisted not alone in opening the new street known as Kingsway, but in widening the other streets including Aldwych Street. Twenty-eight acres were condemned "of which 12¼ were dedicated to the public in the form of new streets, leaving 15¾ acres available for building sites. The length of the street is 1,100 yards, the width 100 feet."[1]

Mr. Swan says further:

> The operation involved the demolition of 600 buildings and the displacement of 3,700 persons of the working class. The clearance of the insanitary areas in the neighborhood of Clare Market, which was included in the scheme, displaced an additional 3,172 working people. Provision for rehousing all these people had to be made. Furthermore, disturbed trade and other interests, numbering 1,500 in all, had to be compensated. No satisfactory figures as to the relative sums paid in compensation for injuriously affected business interests, cost of works, land, etc., have been obtained, but the total gross cost of the entire improvement, which was just recently completed, is about $24,330,000. Through a recoupment of $20,459,000 the net cost has been reduced to $3,871,000. The recoupment is, therefore, 84 per cent of the total gross cost. The Council has not yet disposed of all its surplus land, but since the prices realized on the parcels sold are in excess of those at first expected, there is sanguine prospect that the net cost of the improvement will be less and the per cent of recoupment correspondingly greater, than that stated.

The notable thing about this Kingsway improvement is the use to which Kingsway has been put. The London County Council has sold or leased the land with restrictions such that every parcel is improved in an orderly, effective way. Only lately the land lying between Aldwych Street and the Strand has been let to American interests for the erection of the Bush Building. The London County Council has seen to it that the Bush Building is a superb ornament to London and it has one of the most commanding sites

[1] "Excess Condemnation," by Herbert Swan.

in London. It will pay a very good rent to London for ninety-nine years.

CONCLUSION

Every American city should have the power of excess condemnation though that power should be used discreetly. Every state constitution that does not permit excess condemnation should be amended and the amendments to the constitutions of New York, Ohio, and Massachusetts furnish models. Every city should be given the power. Suitable statutes covering the various details necessary may be found in the charter of the city of New York.

It should be borne in mind that in many cases of street openings it is not necessary to condemn adjacent land, and that when the power of excess condemnation is exercised it must not be exercised in an arbitrary fashion. The map showing the land to be taken should be based on existing property lines and the avoidance of destruction of existing valuable buildings. The line separating the property to be taken from that to be left cannot be a straight line. It must follow the property lines so as to take land sufficient to form suitable building sites where necessary and never to leave unusable parcels. When the improvement has been made the land should be sold or leased with such restrictions as shall result in the prompt improvement of the property with buildings best adapted for service on the new or widened street.

The use of excess condemnation often may make possible and profitable the opening of streets through congested territory, the widening of old streets, and sometimes the destruction of insanitary buildings by opening small parks, and sometimes the improvement of the land next to such parks with modern and sanitary dwellings.

There are almost no possibilities for evil in this legitimate power which has been exercised profitably in foreign countries; there are enormous possibilities for good.

OUR LEGISLATIVE MILLS

I. CALIFORNIA—THE HOME OF THE SPLIT SESSION

BY VICTOR J. WEST
Stanford University, California

The "bifurcated session" (which is fulfilling many of the hopes of its sponsors) and the breakdown of national party lines are the outstanding features of California's legislature. Of course, she still has some problems. :: :: :: :: :: :: :: :: ::

EDITOR'S NOTE.—This is the first of a series of articles upon our state legislatures. Typical states, east, west, north and south, will be written up in subsequent issues.

THERE has recently been proposed in California a constitutional amendment providing that the legislature in its present form be abolished. It is proposed to substitute for it a "Council of State" numbering fifty members.

The suggestion to substitute a unicameral legislature for the bicameral system is no longer novel enough to be startling. Nor are the details of the California proposal particularly startling. The council would have complete legislative powers, subject of course to the limitations imposed by the constitution; it would meet biennially and remain in session continuously until its work were finished; each member would be paid $5,000 per year. The members would be elected by popular vote from fifty electoral districts of approximately equal population, but no county or city would have more than two representatives. The proposal, in spite of the fact that it is seriously offered, has occasioned only a temporary flicker of interest, for it is generally admitted that the possibility of adopting such an amendment is exceedingly remote.

THE DEMAND FOR A UNICAMERAL BODY

Nevertheless the mere fact that the resolution has been introduced must be regarded as symptomatic of a pathological condition, politically speaking, in the state legislature, which cannot be lightly passed over. The significance of the suggestion lies of course in the motives which prompted it. What is the defect which needs to be cured? It is the answer to this question which leads us to make further inquiry into the California situation.

It appears that a legislature of one house is not offered wholly or even mainly to correct the evils which are commonly and with reason attributed to the legislature of two houses. Of course there have been times in the history of the state when the bicameral principle defeated not only popular desires but also the ends of sound public policy and honest government. That has been true occasionally even during the past dozen years when both houses have been under the control of the so-called "progressive" elements in the state. And in the Forty-Fifth Session, which convened January 8, 1923, the two houses are not in close accord, one tending to work with the "administration," *i.e.*, the governor, and the other against it. But this is regarded by both factions as a temporary condition, and it probably is; in all probability one side or the other will control both branches in the next session. The key to the purpose in the present proposal is found not so much in the idea of a single chamber as in the provision that no county or city is to have more than two members in the Council of State, though the districts are to be approximately equal in size. The main problem, whether the legislature remains bicameral or not, is one of securing a proper basis of representation.

"ROTTEN BOROUGHS" HERE ALSO

The senate and assembly of the California legislature are composed respectively of forty and eighty members. For the purpose of electing these members the state is divided into forty senatorial districts and eighty assembly districts. The constitution provides that the senatorial and assembly districts respectively shall be as "nearly equal in population as may be, and composed of contiguous territory," and that no county shall be divided to form districts unless it contains sufficient population to make two districts and that no part of any county shall be united with any other county to form a district. It is further directed that "the legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be." It is the question of reapportionment and its vexing attendant problems which has brought the composition of the legislature to the fore as a live issue.

Under the reapportionment law of 1911 various inequalities exist, in fact existed at the time the act was passed. For example, Santa Clara county constitutes two senatorial districts and two assembly districts, though the former should be twice as large as the latter. On the other hand Fresno county constitutes one senatorial district and three assembly districts, though it was smaller in 1910 than Santa Clara county. With the changes in population recorded by the census of 1920 the discrepancies are more patent. For example, both Fresno and San Diego counties, each represented by one senator, are now more populous than Santa Clara county. A more obvious and more important contrast is that between Los Angeles and San Francisco counties. A fair apportionment would give the former eleven senators and twenty-two assemblymen instead of eight and fifteen respectively as at present, while San Francisco would be entitled to six senators instead of seven and twelve assemblymen instead of thirteen. Other southern counties would be entitled to similar gains at the expense of northern and interior counties. The only proposal for reapportionment which had the slightest chance of acceptance allotted to Los Angeles nine senators and nineteen assemblymen, and did not disturb the basis of representation at all in many counties. Yet it was not reported out of committee in the senate for the reason that neither the San Francisco members nor those from the interior counties will stand for even that small an increase in the representation from Los Angeles. The only bill upon which a vote was taken still further favored Los Angeles county and was decisively defeated when reported in the assembly.

SAN FRANCISCO VERSUS LOS ANGELES

The reason for the failure of reapportionment bills in the recent session of the legislature may be found partly in the antagonism between the rural and suburban districts and the large cities, a familiar political phenomenon in many states. In California this line of division is crossed by another created by San Francisco's jealousy of the increasing population of Los Angeles and Alameda counties. In 1900 the population of San Francisco county was twice that of Los Angeles. By 1910 Los Angeles county had increased at the rate of over 200 per cent and with a total of 504,131 had a population nearly 100,000 greater than San Francisco. In 1920 San Francisco county had increased to a little above the Los Angeles county figure for 1910, while its rival had attained a population of close to a million. Thus while Los Angeles county increased in the last decade at the rate of 85 per cent and Alameda county at the rate of 40 per cent (about the rate for the state as a whole), the increase in San Francisco was at the rate of but 21½ per cent. Small wonder that the citizens of the one-time metropolis of the Pacific Coast are wounded in their pride and that its politicians struggle so determinedly to retain an inevitably diminishing political prestige.

The proposed council composed of fifty members with no more than two from any one county, if established, would doubtless put an end to the decennial squabble over reapportionment, for the counties likely to get two members are San Francisco, Los Angeles and possibly Alameda, thirty of the other counties probably would get one member each, and the remaining twenty five counties would be grouped in such a way as to provide the other fourteen districts. Increase in population of counties would have little effect on the desire for readjustment as long as no county, no matter how large, could have more than two members.

That this is a fair basis to representation of all the interests of the state would scarcely be admitted by many members of the legislature. The present system is illogical enough, for it provides two houses to be elected in the same way, though the constituencies are organized differently, and it attempts to secure representation in proportion to population while at the same time trying to preserve the county as an electoral unit. But with the legislature composed as it now is, it is too much to expect it to agree to limit the counties to two representatives in a single-chambered body. The representatives of the larger counties would combine to defeat such a proposal however much they may oppose each other in the attempts to get the lion's share of the representation under the present system. Nor would a proposal to adopt a scheme of proportional representation help matters. The only feasible plan would be the Hare system, and this would be regarded as impracticable unless the state were divided into six or eight districts. The problem of setting district boundaries recurs, and the respective representation of San Francisco and Los Angeles raises the same problem over again. Even if it were possible to make up acceptable groupings of counties into districts, or to treat the state as one big election district, it is scarcely probable that the present legislature would accept proportional representation. Obviously it would be expected that under an effective scheme of proportional representation Los Angeles county would secure a greater representation than San Francisco, and that the more populous counties generally would be represented in unduly greater proportion than the less populous.

NO HOPE THROUGH I. & R.

It would seem that the establishment of a just or even of an acceptable basis of representation in the California legislature offers an insoluble problem unless the voters themselves should take a hand in the matter and by the initiative and referendum make the change directly. And even that possibility is rather remote. In the first place some agreement would have to be reached between leading citizens in the different sections of the state, a process even more difficult outside the legislature than in it. And the chances are that even if a plan of reapportionment were agreed upon one or more counter plans would be offered, with the result that none would be adopted. The inequalities in representation in the California legislature seem destined to continue for some years, and continuing will in the near future constitute an increasingly important cause of irritation, friction and distrust. The situation is unfavorable for the accomplishment of any unified program of constructive legislation.

PURPOSE OF SPLIT SESSION

The proposal to establish a council carries with it also another change with respect to the California legislature. The council is required to be in continuous session until it finishes its work. This is undoubtedly intended deliberately to abolish the practice inaugurated with the amendment adopted in 1911, which provides that a session of the legislature, except an extraordinary session, must at the expiration of thirty days after its commencement take a recess for not less than thirty days. Upon reassembling after the recess the legislature may remain in session as long as it sees fit, but an attempt is made to discourage the introduction of new bills.

This so-called "bifurcated session" was advocated by those who proposed it for four purposes. It was argued that, after a thirty-day session during which all the bills which were likely to be considered had been introduced, a thirty-day recess would be useful in giving the members time to consider and digest these measures and reach some conclusions as to their merits. It would also give the public a chance to get acquainted with the problems facing the legislature and to advise the members so that there might be some chance of a nearer approach between public opinion and legislative action. In the third place it was expected that the legislature might use the thirty-day recess for the purpose of conducting investigations either into the conduct of administrative branches of government or upon such public questions as were most pressing at the time. Finally it was expected that the provision for a recess would prevent the introduction of measures late in the session when they might be rushed through without adequate consideration.

REASONABLY SUCCESSFUL

These expectations with respect to the divided session have generally been realized, though not all members use the recess for the purpose intended, nor does the public generally take enough interest in the work of the legislature to inform itself. Nevertheless the recess has been found very useful by chairmen of committees in affording them time for the analysis of bills and in the preparation of committee reports; and the fact that the clerical staff of the legislature is kept busy during the recess in publishing and mailing thousands of copies of the bills is indicative of some interest on the part of the public. During the session of 1921 the one month's recess was taken up with a debate over the proposed revision in the tax law which engaged the attention of the citizens from one end of the state to the other. It is not too much to say that this delay afforded the proponents of the measure an opportunity for securing a very wide discussion without which they would have had no chance whatever of securing its passage. It is quite possible that in every session there will be at least one measure of such transcendent importance that a thoroughgoing discussion will be highly desirable if not absolutely necessary. For that reason if for no other the thirty-day recess ought to be continued. Perhaps an equally important advantage will be the opportunity which the recess offers for carrying on legislative investigations. So far not a great deal of experience is available to judge of its significance from this point of view. During the session of 1923 several special committees conducted investigations on a variety of subjects. Most significant of these were the inquiries into the expenditure of money in election campaigns.

With the adoption of a new budget procedure it is possible that the bifurcated session will find another use. The governor is now required to submit the budget within the first thirty days. If he should introduce it at the beginning of the session, the first month may be taken up with the consideration of his proposals. It is possible that the budget might be disposed of before the recess, thus leaving the recess and the following session to take care of the work of legislation proper. This would be particularly useful if it turned out that the budget required changes in the tax system. The appropriations having been settled first, the exact kind of tax could be determined upon after an investigation to be undertaken during the recess period.

Doubtless other uses for the recess period will be developed. At any rate the more important members of the legislature, those who take their responsibilities seriously, do not look with favor upon any measures to reestablish the continuous session.

ONLY NOMINALLY PARTISAN

One important feature of the California legislature would probably not be disturbed by the proposed single-chambered council. It would continue to be nominally partisan but really nonpartisan. As long as the California primary law remains as at present it is possible for one person to be a candidate for the assembly or senate in the primaries of all the political parties. If he can secure the highest vote in each of the party primaries in his district he can become the candidate of all of the parties. A majority of the members of both the 1921 and 1923 sessions of the legislature had been nominated by two and in some cases three or more parties for the offices which they held. All but a very few of the members of the legislature are registered as Republican, but the fact that they were also candidates of the Democratic, Socialist, Prohibition and other parties indicates that the label "Republican" is of significance only for the purpose of getting votes.

The organization of the legislature, therefore, does not follow partisan lines as it does in New York, Ohio, Missouri, and other states. In 1911 the so-called "progressive" element in the state was successful in securing the election of enough members to control the Republican caucus. Since that time there has been only one caucus, commonly called "*the* caucus." It has been attended by all those known as progressives as opposed to the machine or reactionary members. It has succeeded in every session down to 1923 in organizing both branches. A part of this success has been due, beyond doubt, to the fact that the governor of the state during this period has been a progressive Republican. His power over the appointment to state office has given him very important influence over legislators. For this reason, and because the little patronage at the disposal of the two houses themselves will go to those who belong to the majority, there has been little difficulty in maintaining a strong "caucus" organization in spite of the many changes in membership from session to session. It is significant that with the inauguration of a governor of different stamp in January, 1923, the situation in the legislature has changed. The senate was organized by the "caucus," but the assembly came under the control of the adherents of the new governor, who in their own rival caucus planned the organization afterward effected. It must be admitted that this type of partisanship more nearly represents the true divisions of public opinion in the state than the traditional splitting along the lines of national parties still so characteristic of legislative organization in many states. The frank disregard of the names Democratic and Republican in state politics is enabling the voters of California to meet their domestic problems more honestly and intelligently.

THE COMMITTEE SYSTEM

Doubtless a single-chambered legislature would not eliminate another time-honored institution,—the committee system. In California this obviously inevitable legislative device has flourished unchecked. In the senate there are just forty committees, with forty chairmanships. Need one be reminded that there are just forty senators? In the assembly the members have done their utmost, but so far have created only fifty-two committees. Apparently the legislative imagination has its limits. Of course the real work of the session is done by a few important committees, and all the important members are on these committees. Yet there is gain in dividing the work of legislation, as is done in the senate, by making each member responsible for the bills on some one subject. If there is anything to criticize it is found in the opportunity offered for a flagrant though limited spoils system. If there are committees there must be committee clerks, and who are so likely to make good committee clerks as the political friends of the various committee chairmen? Indeed the members' own families furnish the best candidates for various legislative "jobs," or at least it so appears to some twenty-five of the members. However, the total number of attachés is so small and the need of the members for clerical help is so great in the closing weeks of each session that objection to the numerous committee clerkships meets with small sympathy.

PUBLICITY FOR THE LEGISLATURE

In the matter of providing opportunity for publicity the California procedure leaves little to be desired except in one particular. The only official records of the legislature's activity are the journals. Now the journals are only the merest skeleton outlines of the actual procedure. About the most that can be learned from them is the names of the members who introduced bills and resolutions and the way the members voted on the various measures. These facts are of great importance to the public, but more significance attaches to the reasons which impelled members to vote. Of greater interest still are the doings of the committees. Unfortunately, however, the records of the committee meetings are not kept in detail nor are they published; in many cases there are no records at all. On the other hand the sessions of the senate and assembly are of course open to the public as the constitution directs. The meetings of the standing committees also are open to the public. It is true that the committee rooms are small and do not accommodate a very large number of persons, yet the meetings of committees dealing with important measures are always well attended, and there is ample opportunity for representatives of all the interests of the state to make their views known to the members.

On the whole the general public knows what has been done only through following the record of events as reported in the press. With respect to the sessions of the chambers the newspaper accounts are reasonably adequate, though the bias of the journals of the state makes it impossible to get a complete record from any one paper. The representatives of the press have their desks on the floors of the chambers, not in the galleries as is the usual case in most states. This affords them opportunity to confer with members while debate is in progress and to keep in close touch with the course of legislative events. But as concerns the work of committees the journalistic record is not very useful, as it is only fragmentary. The representatives of the various papers rely apparently upon the accounts given them by such members of the committees as they happen to know well personally. However, what the public loses by the failure of the legislature itself to keep adequate records and of the newspapers to present complete and impartial reports is more than made up by the remarkable series of books about the work of the legislature which has been appearing since 1909. These books, the work of an able and experienced free-lance journalist, Mr. Franklin Hichborn, of Santa Clara, constitute not only a record of the work of each session but a penetrating analysis of the problems presented and of the forces and interests at work on these problems inside and outside the legislative halls. This sort of aid to public opinion can be supplied neither by the journals of the two houses nor by the newspapers.

HOW THE LOBBY WORKS

An interesting feature of the California legislative practice is the way in which the so-called lobbyists carry on their operations. In most states the lobbyist, as the name implies, is usually not very conspicuous in the legislative chambers themselves, but in California both houses of the legislature have been somewhat too hospitable in admitting visitors to the floors of the chambers. The senate is a little more stringent than the assembly in this respect. Yet in both houses almost any visitor is permitted to enter the chamber, move freely up and down the aisles and confer with members even during the formal transaction of legislative business. Indeed it is no uncommon thing, in the assembly especially, for the seats of members to be occupied by persons who have no right to be in the chamber at all. The records of legislative proceedings in the state in the past fifteen years reveal many instances in which a fight over a particular measure was directed from the floor not by members but by lobbyists employed by conflicting interests in the state. From the desks of members and acting through committee chairman the lobbyists commanded the opposing forces as effectively as generals on the field of battle.

Some citizens have been moved to righteous indignation over the spectacle of servants of the "corporations" in command of a group of legislators, successfully opposing measures to restrain the alleged predatory activities of the railways, the power companies, and other public utilities in the state. Others have been equally indignant when the commander-in-chief has been the paid representative of the labor unions. Nevertheless there is much to be said in favor of the California practice as compared with the way in which the same sort of thing has been done in Pennsylvania, New Jersey, Illinois, in times past. At any rate the representatives of the press have no difficulty in finding out just who is responsible for influencing the actions of the various members. Doubtless the publicity which the California methods of lobbying produce offsets to a very great degree the bad features of lobbying in general.

The California legislature is by no means perfect. Its failure to adopt a just apportionment of representation is a standing disgrace. Some aspects of its procedure are hardly to be commended. It has to be curbed by the "referendum" and its work supplemented by the "initiative." But in spite of its faults, he would be a bold prophet who would predict the establishment in its place of unicameral body within the next generation.

THE TWIN CITIES AND THE HOLDING COMPANY

THE MINNEAPOLIS STREET RAILWAY STORY

BY H. M. OLMSTED[1]

A not very pleasant story of an investigation of the books of a street railway holding company. :: :: :: :: :: :: ::

Minneapolis and St. Paul, the "Twin Cities" of the Northwest, lie immediately adjacent to each other, along the upper Mississippi River. Together they constitute a very considerable section of the population and power of the state of Minnesota; but they are separate as to municipal government and distinct as to distribution of business and population centers, and in varying degrees as to political, commercial and industrial interests and other characteristics of their people. The most obvious connecting link in the situation is the transit system of the two cities; and even this functions through nominally separate corporations, one for each municipality, which are in turn owned and controlled by the Twin City Rapid Transit Company.

Both cities have had their difficulties with the street railway companies, especially since 1914, when negotiations for new franchises began to assume importance, and since which time matters of franchises, valuations, rates and governmental control have occupied a large place in local and state politics. In Minneapolis the city engineer, for the city council, and the Minneapolis Street Railway Company both made valuation studies as a basis for a proposed franchise which was favored by the company but was defeated at the polls in 1919 after a very active campaign. Conditions brought about by the war were made the reason for later negotiations between the company and the governments in the two cities, which resulted in a temporary six-cent fare in both. Minnesota has long been known as a stronghold of home rule, in regard to public utilities as well as other matters, but in 1921 the state government became involved in transit affairs, a bill being put through the legislature transferring rate-making powers for street railways from the cities to the state railroad and warehouse commission, and in effect abrogating the franchise contracts of the cities, which had thus far remained unalterable except by mutual consent.

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[1] Associated with Delos F. Wilcox as consultant on public utility matters.

The 1921 street railway act authorized cities to employ experts to make valuation and rate investigations in connection with rate cases before the commission, the expense of such investigations to be met, up to a certain point, by the companies. Under this provision each city selected experts for this purpose, the companies having petitioned for a seven-cent fare. Minneapolis selected Dr. Delos F. Wilcox of New York, and St. Paul chose Dr. Edward W. Bemis of Chicago.

EFFORT TO GET AT BOOKS OF HOLDING COMPANY

In the course of the Minneapolis investigation the Twin City Rapid Transit Company, which was nominally the holding rather than an operating company, appeared to stand in such an intimate relationship to its subsidiaries, both as to general finances and as to operations, that access to its books and records was deemed to be necessary. This was denied by the officers of the company at the start, except for the books covering a short period when the holding company admittedly acted as fiscal agent for the other companies. The city carried the matter to the state district courts, and after an intense legal battle between the city attorney and the ablest talent in private practice in the Twin Cities, including Mr. Pierce Butler, of St. Paul, it was upheld. In the language of Judge Horace D. Dickinson,

> Laying all fictions aside, the Twin City Rapid Transit Company is the actual owner and supreme authority in the actual operation of the street railway system of these two cities, including the suburban lines. It is a single system, urban, interurban and suburban, all interlocked in one harmonious management, which finds its source in the directorate of the Twin City Rapid Transit Company. The half dozen local companies which nominally function here and in St. Paul, true, are corporate, legal entities. . . . Behind and beyond this screen of local legal entities, which go through the motions of actual operations, is the master's hand and the master's voice, which cannot be mistaken nor disobeyed.

WHERE DID THE $2,000,000 GO?

No books of account for the period prior to 1900 were obtained, the company claiming that these had been destroyed; but a study of the books that became available under the order of the court was instituted. In connection with the investigation of the results of each year's operations for the system, it was disclosed that the sum of $25,109,380 had been paid out in dividends on Twin City stock in the period from 1900 to 1921, inclusive, whereas $27,158,977.46 had gone to the holding company out of the earnings of the subsidiary companies during the same period, leaving a difference of $2,049,597.46. The Minneapolis city council directed Dr. Wilcox to investigate and report as to this discrepancy.

It developed that in the period from 1900 to 1906, inclusive, the payments for dividends equalled the amount turned over to the holding company by the subsidiaries, the latter paying the expenses of the former directly. From 1907 to 1913, inclusive, the holding company's books continued to show no operating expense accounts; but a total of $503,525.99 was retained out of the moneys turned over by the subsidiaries, of which $413,115.59 was expended through a "special reserve fund," and $51,949.06 was paid as taxes, leaving a balance of $38,461.34. The "special reserve fund" was established by action of the board of directors at a meeting in New York city on January 28, 1908; the minutes state, "Upon motion duly seconded it was resolved that $250,000 of the accumulated surplus of the company be transferred to a special reserve fund to care for such extraordinary outlays as may have to be incurred for purposes other than operating expenses, such as defending attacks upon the company's franchise and for discount on bonds." Of the $413,115.59, the sum of $160,000 was for bond discount; $91,107.85 was for litigation expenses in the successful effort, carried through to the United States supreme court, to establish the lack of power on the part of the city to modify the company's franchise terms, which Minneapolis, in view of the large profits of the company, was attempting to do by a "6 for 25 cents" ordinance; $43,552.16 was for items described only as "extraordinary expenses not properly chargeable to operation for the year"; $13,365.52 was for a traffic survey in Minneapolis; $3,567 was for various financial or corporate fees; and $101,523.06 was for items for which no purpose of expenditure was shown.

LARGE UNEXPLAINED ITEMS

During the remainder of the period (1914 to 1921, inclusive) the Twin City Rapid Transit Company carried various operating expense accounts on its own books, and through these $630,557.02 was expended out of a total of $1,546,071.47 by which receipts from subsidiaries exceeded payments for dividends during the eight years in question. The chief expense account was "Salaries and Expenses of General Officers," amounting to $250,448.94; this was in addition to the salaries of the same group as officers of the subsidiaries, an amount approximately twice as great being paid by the latter. The next largest account was "Miscellaneous General Expenses," totaling $217,277.63. More than half of this was money turned over to officers of the company in addition to their salaries, the use not appearing on the books. The account also included smaller amounts turned over to various other individuals without the purpose being indicated; and many miscellaneous items such as directors' expenses, transfer fees, postage, etc. Another account was "Law Expenses," through which $150,422.89 was expended. The largest items were an unexplained payment of $35,341.11 to the Capital National Bank; $34,300 to E. E. Smith, $24,663.23 to State Senator George H. Sullivan, $18,350 to W. D. Dwyer, $13,500 to N. M. Thygesen, and $3,250 to R. T. O'Connor. Mr. Thygesen and Mr. Dwyer were general counsel during this period for the company and for the subsidiaries, from whom salaries were also received. Senator Sullivan, a leader in the state legislature, had been to some extent the legal representative of the Twin City System in the city of Stillwater, Minnesota. The connections of Mr. Smith and Mr. O'Connor with the legal department were not generally known. They each received additional amounts through other accounts. The remaining $12,407.56 of the $630,557.02 was for minor items such as stationery, clerical salaries, etc.

Separated from the group of so-called operating expense accounts was a somewhat related item of $208,486.12 for taxes.

The chief medium of expenditure during this eight-year period, other than the "operating accounts," was the account "Unusual Contingencies," which took over a balance from the "special reserve fund" in 1914. Through this account $574,523.19 was disbursed. Of this, $227,000 was deposited during 1919, 1920 and 1921 in the American Exchange National Bank; no explanation of its use was available. $221,571.33 was expended in connection with the appraisal which was being made by A. L. Drum & Company, and $27,528.03 was paid to R. W. Harris, a traffic expert. The remainder of the payments were chiefly to a list of individuals, with no indication of the nature of the services rendered.

POLITICIANS GET THEIRS

To quote M. H. Hedges, a Minneapolis newspaper man writing in *The Nation* for July 19, 1922,

> The report created unusual excitement. . . . The two names seized upon by the public with greatest interest were those of E. E. Smith of Minneapolis and R. T. O'Connor of St. Paul. Smith was credited with the sum of $41,000 in yearly payments from 1916 to 1921, and O'Connor with $20,000 over the same period. If the names of the late Boies Penrose of Pennsylvania or of Richard Croker in New York were found on the secret minute books of the United States Steel Corporation they could not cause a greater upheaval of public opinion than did the names of Smith and O'Connor in Minnesota.
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> "Ed" Smith has been the unofficial head of the Republican State machine and "Dick" O'Connor of the Democratic State machine for more than twenty years. They are bosses of the American type, genial, loyal to friends and ruthless to enemies, and meticulously observant of the "get-on-the-party-band-wagon" philosophy. They are credited with exercising joint control of the city councils of the Twin Cities and of the State legislature. Smith was called by Theodore Roosevelt "a second Penrose," and from progressive Republicans in Minnesota he has lately won the nickname of "Governor Preus's Colonel House."
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> Attention of the public was directed, too, toward the name of a former alderman who during the years from 1914 to 1919 received $15,240. Two members of the Central Franchise League, who had been known as radicals, who changed their minds over night about the cost-of-service franchise, in particular about the high valuation of $24,000,000 claimed by the company, were credited with $15,000 and $2,600 respectively. A former publisher of the *Minneapolis Tribune* received $8,000. The secretary of the *Minneapolis Journal* company was credited with $1,000. When the *Journal* published the complete Wilcox report, *minus the excerpts from the minute books*, it explained that the sum was for payment of a campaign for the "prevention of industrial accidents."

The city council was not satisfied with the lack of information as to the use to which had been put the $227,000 deposited in the American Exchange Bank, and as to the other smaller bank deposits. Action was brought in the state district court to compel access to such information, and on July 25, 1922, the court ordered the company "to give a letter of instructions to the American Exchange National Bank of New York City, directing said bank to grant to Neil M. Cronin, city attorney, and to Delos F. Wilcox and any member or members of his staff designated by him in writing, access to all the records of said bank pertaining to any account of the Twin City Rapid Transit Company in said bank at any time since January 1, 1919, whether said account is in the name of said company, or in the name of Horace Lowry, president, or in the name of Horace Lowry as an individual, or in the name of any other officer or agent of said company. . . ." The order also covered access to the stock records of the holding company, which had hitherto been refused, and to certain other supplementary data.

ACCESS TO HOLDING COMPANY'S BOOKS GAINED AT LAST

An appeal was taken from this order to the Minnesota supreme court by the company, and a decision was handed down by the latter court February 2, 1923, upholding the city's contentions as to its general right to the holding company's records, but denying access to the information regarding the bank deposits. The company had made the statement that no claim would be made by the Minneapolis Street Railway Company that these deposits should be considered "as a part of the costs, overheads or expenditures of said company in arriving at or establishing any rate of fare to be charged by said company." On this stipulation the supreme court ruled that the defendants would not be required to disclose the information, saying, "For all practical purposes the moneys expended are to be treated as still in the treasury of the transit company and a charge against it in the rate proceedings, and hence the order under review must be modified."

The right of access to the holding company's stock records was granted. An inspection of the latter was accordingly made, and the actual ownership of the street railways in the Twin Cities was determined. Among other matters the interesting fact was brought out that of the owners of the common stock of the Twin City Rapid Transit Company, the New Jersey corporation which controls local transportation in and adjacent to these two Minnesota cities and operates in no other locality, the majority are residents of Canada.

The decision of the state supreme court marks the end of litigation prior to the rate hearing before the state railroad and warehouse commission, and it is expected that the latter will be concluded during the present summer.

Thus far the Minneapolis investigation has had several features that are of general interest to the student of municipal government and municipal utilities—features which are dealt with in these pages. The holding company, so often immune from investigation, has had its accounts and records laid bare, and a practical and concrete illustration of the entry of public utility funds into local politics has been revealed. To be sure, the city has not been given as much freedom of investigation as it felt entitled to; a member of the council interpreted the final court decision as giving the right to investigate legitimate expenditures but not illegitimate ones; but in general as to all records of public utility operating companies, and of affiliated companies where these serve to screen the financial operation and status of the primary company, and even as to the records of the holding company—the "master's hand"—the city's right of access has been greatly strengthened by judicial precedent and actual accomplishment, won after a thoroughgoing contest wherein the issues were squarely presented and were ruled upon with unusual definiteness.

CHICAGO'S NEW MAYOR

BY MAYO FESLER

Formerly Secretary City Club of Chicago, now Director Citizens League of Cleveland

This will tell you about the personality of the man, the campaign he conducted, the traps in his path and his chances of success. He is the most striking figure in municipal government to-day. :: ::

WHETHER Chicago is really going to recover from the political distemper of the past eight or ten years depends largely upon one man—Mayor William E. Dever. The voters on April 3 indicated that they were ready for such recovery when they elected him mayor by a plurality of 103,748 votes. Of course no one thinks that he alone can perform the miracle, but if his leadership is exercised in the right way the disposition of the people is to swing into line behind a leader who will suppress crime, give the city a decent and honest administration, and undertake the solution of some of the big and difficult problems confronting it.

No man ever entered the mayor's office with more general confidence and with a more sincere and generous feeling of good will on the part of citizens. Republicans and Democrats alike have accepted his election as auguring a new and better chapter in the life of Chicago. Judging him merely by his past public performances the people believe that he will measure up to the confidence which they have in him.

A SELF-MADE MAN

Judge Dever is a self-made man who has given twenty-three years of public service to the city in which he lives. Born in Massachusetts in 1862, he came to Chicago in 1887 and entered the tanning trade as an employee. He worked by day and studied law at night. He graduated from the law school in 1890, passed the bar examination and took up the practice of his profession.

In 1902 when political conditions were bad in the old seventeenth ward, the honest people of the ward, among whom were Graham Taylor of the Chicago Commons, induced Mr. Dever to be their candidate. He was elected by a good majority and began his career as a member of the city council. He was re-elected for four succeeding terms, each time with the strong endorsement of the Municipal Voters' League. The League said of him in 1900, "An extremely creditable nominee;" in 1902, "A man of much ability and force of character;" in 1904, "Great credit to his ward;" in 1906, "Excellent record; exceptionally efficient—the ward would do itself an injustice if it failed to re-elect him;" in 1908, "A man of independence; a credit to his ward;" in 1910, "A man of vigor and principle, possessing qualities of leadership, especially useful in emergencies—unbroken record of honest voting; an alderman of whom his ward should be proud." Seldom has a public official in Chicago had such progressively good commendation from the Municipal Voters' League.

A LEADER AS ALDERMAN

During his ten years in the city council he was recognized as the leader of the forces which stood for municipal ownership and operation of transit lines. He was a Democrat in politics and voted with his party except when he believed the majority was wrong. Then he did not hesitate to vote against the organization. When the council amended the Dunne traction ordinance and Mayor Dunne vetoed it, Alderman Dever voted to sustain the mayor in spite of political pressure of the councilmanic majority. When the question of higher saloon license was pending and the friends of the saloon were opposing Alderman Dever, because he was an advocate of the proposed increase, he carried the issue to the voters in his ward and won an easy victory. Mayor Carter H. Harrison said of him once, "I found him able to make up his mind and keep it made up."

He was elected judge of the superior court in 1916 and again in 1922. He was twice selected from among the superior court judges by the state supreme court justices to serve as chief justice of the appellate division of the northern district of Illinois. He was serving on this bench when chosen as the Democratic candidate for mayor.

Both political parties in Chicago are rent and torn into factions; and for some time prior to the spring election it looked as if Mayor Thompson would again be able to take advantage of these factional splits and slide into the mayoralty for the third time as a minority mayor. But fortunately for Chicago, a nonpartisan citizens' committee was organized at a conference in the City Club which prevailed upon the factional leaders in both parties to bury their differences and name party candidates behind whom all factions could unite. When the Democratic leaders finally united on Judge Dever, who was equally acceptable to the Sullivan, Dunne and Harrison factions, and asked him to be their candidate, he accepted the nomination with the distinct understanding that he was making no party promises and the campaign should not be a partisan one. All through the campaign he declared that if elected, he expected to be a nonpartisan mayor. Even in his inaugural he emphasized his intention of giving the city a nonpartisan administration and he urged the council to organize itself on a nonpartisan basis.

NO MUD SLINGING IN CAMPAIGN

The campaign was unique in the history of Chicago. If ever there was an opportunity to nail a past administration on the cross of wasted effort and political corruption, Judge Dever had the chance; but he refused to follow this line of attack. The public, he said, is saturated with glaring headlines about city hall corruption. They want a rest from this form of publicity. They want to know whether the candidate is sincere and whether he will perform what he promises. The campaign was singularly free from mud slinging. Efforts were made to drag in the religious issue, but Judge Dever insisted that it had no place in the contest and he refused to recognize that any such issue really existed.

During the entire campaign he took the public completely into his confidence, discussed with them frankly the problems before the city, but made no rash promises as to the particular method of solution. When he discussed the traction question he frankly told them that, while he had always been for municipal ownership and operation of transit lines, he was not ready to commit himself as to the particular terms on which the city should take over the properties of the street railway companies. He assured the people that he would oppose buying any water in the stock, yet he would also oppose confiscation of the property of legitimate stockholders. When he was asked regarding the punishment of the twenty-four indicted school board members and employes, he refused to make any attack upon them and declared that, although 70,000 children were going to school in tin shacks, while school funds were being squandered, he did not propose to say anything that would make it difficult for these indicted men to get a fair trial.

Warmly supported by many business and professional men like Colonel A. A. Sprague, Graham Taylor, Professor Charles E. Merriam and Raymond Robins, Judge Dever convinced the voters of his sincerity of purpose, and as a result was elected by the second largest majority ever given to a mayor in the history of the city.

APPOINTMENTS HIGH GRADE

He has been in office now a little over two months, and thus far the people have had no reason to question his sincere intentions to give the city a decent, honest, and efficient administration of municipal affairs. The first appointment he made was that of Francis X. Busch as corporation counsel, a director of the City Club and an advocate of civil service reform. He then prevailed upon Colonel A. A. Sprague, head of a large and well-known grocery firm to become commissioner of public works. He chose Mary MacDowell, head of the University Settlement, as commissioner of public welfare. He selected Morgan A. Collins, a man from the uniform ranks with a good record, as chief of police. He named Nicholas R. Finn, attorney and former alderman, as president of the civil service commission, and he is generally regarded as a high-grade appointment.

On the other hand, Mayor Dever has not ignored his party organization, and he has judiciously sought not to offend the party leaders. In fact, it is generally known that he has refrained from appointing men whom he thought were well qualified for positions because the organization would not approve of the appointments. From long experience he knows the intricate workings of the city hall machine and the ease with which a little sand can be thrown into the bearings. He knows when the bearings need a little oil to make them run smoothly, and when the springs need a little graphite to carry them safely over the rough roads. He has the saving grace of recognizing practical politics while trying to be an honest mayor.

THE HUNGRY PACK OF OFFICE SEEKERS

How well he will succeed politically is yet to be seen. The council, which is strongly Democratic, is not in full sympathy with the mayor's attitude. It took the combined influence of the mayor and the party leaders, as well as the pressure of strong public opinion to compel the council to adopt even a moderately good organization of its committees.

The clamor, of course, is always felt most from the politicians, not from the interested public. It is the political leader from the ward who haunts the offices at the city hall and consumes the mayor's time. It is the loud lamentations of the job seekers which greet the ears of the chief executive and the heads of his departments, and not the silent approval or disapproval of the busy citizens who seldom enter the doors of the city hall. If Mayor Dever can properly distinguish between the noisy clamor of the job seekers and the silent support of the large body of independent voters who want honest and efficient government, regardless of who holds the offices, he has a fine chance of making good and of leaving a proud record of achievements behind him when he retires from the office of mayor. But, if he becomes stampeded by the loud noise of the faithful, his administration will take on a colorless tone and he will get by with just an honest administration. The noise of the hungry is growing in intensity already. It can be heard even outside of the city hall. The mayor is trying to satisfy and suppress it by giving half of his office hours to job-seeking interviews. Whether this will satisfy the hunger for loaves and fishes remains to be seen. At least the mayor is not making the fatal mistake of ignoring these local party leaders entirely.

TRANSIT DECISIONS PRESS

It is, of course, too bad that the mayor's mind at this time should be distracted by these patronage issues because he has some very big and pressing problems which must be solved without delay. The whole traction situation in Chicago is in a state of chaos, and the date of the expiration of the franchises in 1927 is rapidly approaching. Before that date he must not only determine the questions of policy involved in municipal ownership and operation of transit lines and submit these questions of policy to a referendum of the people, but he should begin building subways in order to relieve the almost intolerable conditions in the loop district. At the same time, he must be seeking some way of extending elevated and surface lines in order to meet the pressing demands for transit facilities into outlying and rapidly growing sections of the city.

Chicago and its environs are increasing in population at the rate of nearly a million people every ten years. The metropolitan district already contains more than three million people, yet it has a transit system suited to a city of a million. The struggle has been on between the people and the traction companies since the days of Yerkes; but the solution seems no nearer than it was when Mayor Dever as alderman was fighting for municipal ownership in the days of Mayor Dunne. Mayor Dever has declared for municipal ownership and operation; but he has not as yet indicated how he is going to get over the hurdles of a constitutional limitation on indebtedness, a state public service commission which is generally regarded as sympathetic to private ownership and control, and the natural disposition of the traction companies and their stockholders not to part with properties which are paying good and safe returns on the investments. The mayor says he intends to see that the city does not buy any watered stock in the purchase, and that there shall be no confiscation of the property of the stockholders. It will be most interesting to see how nearly a fair-minded man of Mayor Dever's type can carry out this policy of fair dealing in this wilderness of conflicting and selfish interests. Usually such a conflict has ended successfully only by the use of sledge hammer blows by a Tom Johnson or a Mayor Couzens, and without much regard for the vested property interests involved. If Mayor Dever can steer a straight and successful course through this transit maelstrom which is bound to reach flood tide by 1927, maintain this spirit of justice and fair dealings which seems to be one of his outstanding qualities, and bring his boat safely into quiet waters, without loss of oars or rudder, he will deserve a prominent place in the niche of fame.

SCHOOL BOARD FALLS UNDER A COUP D'ETAT

While the new mayor impresses everyone as being far from the militant type, but rather of the calm, cautious and judicial type, yet he has already shown that he can take hold of a difficult situation with a firm and courageous grasp. When he took office he had a board of education on his hands which was generally regarded as a political instrument of Lundin and Thompson. Moreover, the members had been appointed by Mayor Thompson under a state law, which gave them a four-year tenure without possibility of removal until the end of their respective terms. About a year ago, when some members of the board and some of its officers were before the grand jury accused of graft, a majority of them, on the request of Mayor Thompson, had filed their resignations with him. But since three of them refused to do so, he withheld acceptance of those who had submitted their resignations and filed all of the letters. These letters were still in the files when Judge Dever became mayor. On advice of his corporation counsel, he took them out of the files, accepted the resignations, called a special meeting of the city council, submitted a list of high-grade appointees for the board and they were approved by a unanimous vote of the council. The protests of the old board members were ignored. Police officers were stationed at the door of the board room when the regular meeting was to be held. The old board members were refused admittance. The new members met, organized, and proceeded to business. While the new mayor does not seem inclined to swing the big stick, he indicated in this instance that when the big stick is needed, he can roll up his sleeves and swing it with a right good will.

REPUBLICANS WELCOME HIM

The Chicago public has confidence in the new mayor. Even the City Club felt that it could, without being accused of partisanship, give a reception and dinner to the mayor and his cabinet. The dinner was given in the clubhouse on June 1 and addresses, other than the mayor's reply, were made by Republicans.

The outlook is bright for Chicago's recovery from the political profligacy of the past eight long years of Lundinism. Chicago is essentially optimistic and progressive, and with all of her western vigor quickly recovers from these political mistakes. If the state legislature can be induced to loosen some of the bands with which the city has been bound, Chicago will soon come back.

DES MOINES AFTER FIFTEEN YEARS' COMMISSION PLAN GOVERNMENT

BY H. W. BYERS

Des Moines, Iowa

The continuance of commission government or its abandonment in favor of city manager government is a hot question in Des Moines. This article is favorable to the commission plan. It will be followed by one on the other side. :: :: :: :: :: :: ::

In 1908 Des Moines had reached a population of substantially eighty thousand. During all the years of its growth up to this point the government of the city was what was known as the old ward system, supplemented during the last half dozen years prior to the change to commission government by what was known as the board of public works.

This board was composed of two members, who were appointed by the city council and were given more independent power than the average city manager. All official acts of the board under the plan were required to be unanimous. The city council drew a mere nominal salary, largely on the theory that the business of the city would be conducted by the board of public works.

DES MOINES AS SHE WAS

At the end of more than fifty years of this kind of government, notwithstanding the annual tax burden was as high, or higher, than in most other cities of the same size in the country, Des Moines, surrounded by every natural condition necessary to make the city not only the richest, but the healthiest and the most beautiful of any city in the country, had no civic pride, little if any courage, and no vision. As a writer said of Des Moines, "It was dead, but unburied." If it had any reputation at all it was as a quarrelsome, filthy place, both physically and morally. As the above writer said in an article in the *Technical World* for February, 1910, in reviewing the first year under the new plan,

> Billboards and houses of ill-fame were permitted to line the banks of the river, regardless of moral corruption or physical pollution; while the accumulated filth of months reposed serenely in unswept alleys, or, borne on the wind, carried disease to every quarter of the city.

This is a sorry picture, but it is not overdrawn. The writer could have added to his picture the fact that at that time the conditions on both sides of the river intersecting Walnut Street, Locust Street, and Grand Avenue, the three principal thoroughfares leading from the heart of the city to the Capitol on the east, were such that it was unsafe for either man or woman to cross the bridges on these streets after dark.

It was under such conditions, and out of a last struggle for the life and good name of the capital city of Iowa, that what is now known as the Des Moines Plan of Commission Government was adopted, thus making of Des Moines one united city out of seven contending wards. Under the old plan we could not rise above anything beyond local ward interest. The tenure of the ward alderman depended entirely upon the things he could secure for his ward. Therefore, the entire city must be content with "small things," sidewalk crossings, street lamps, local fire stations (whether needed or not), inadequate and unsafe bridges, in short, a one-sided, unhealthy and unhappy community, noted only for the intensity of local "divisive" strife.

NEW PLAN RELEASED HER FROM BONDAGE

The new plan enabled the city to center attention on great moral questions, to regulate, and finally to drive out saloons, to deal effectively with vice, to drive out prostitution and gambling (or at least to reduce these evils to a minimum), to banish the red light district, to regulate pool halls, to supervise and control dance halls, to maintain and establish playgrounds, health centers, public nursing and free clinics, to maintain swimming pools, where before there was nothing but cesspools—in short, to put into the government of the city what may properly be termed "heart and soul."

It enabled the city to deal effectively with public utility questions, where not hampered by other state laws or lack of them; in fact, Des Moines was one of the first cities in the United States that compelled one of its utilities to return to its customers, citizens of the city, over one hundred thousand dollars in excess charges, and it may truthfully be said that this evidence of independence, and concern for the interest of the public, and the utility user's right to have service at a fair price, for a time at least, had a salutary effect on all the other utilities in the city.

Commission government as found in Des Moines is founded on the idea of a pure democracy, and *the complete supremacy of a well-informed public opinion.*

It therefore abolishes petty partisan politics, and substitutes the politics of the community and the home.

It embodies the initiative, the referendum and the recall.

All business must be transacted in public. No star chamber sessions of the council are permitted.

IMPROVEMENTS BEFORE AND NOW

After fifty years of the old plan Des Moines had an outstanding bond obligation of substantially a million dollars, representing largely annual deficits and without anything to show for the money spent, few if any permanent improvements, no bridges worthy the name, no municipal enterprises of any kind, no permanent public buildings, no hospitals, no playgrounds, no downtown parks or breathing places, no swimming pools—absolutely nothing upon which civic pride could thrive and grow, and no method of retiring the outstanding bonds except to wait until they matured, and then fund, or refund them, as the case might be. Since 1912 all new issues of bonds by the city have been serial bonds, payable at stated periods, so that the bonded indebtedness of the city is being retired as the improvements for which they were issued are being enjoyed by the public.

For strictly city purposes the rate of taxation per thousand for the last five years ending April 1, 1921, was

1917	$11.10
1918	11.07
1919	11.30
1920	13.90
1921	13.66

During 1918, '19, '20, in addition to the added expense of Camp Dodge, and in response to the national government's earnest plea for labor for the returning soldiers, the city contracted for and constructed several bridges at a cost of approximately a million dollars, completed contracts for paving, curbing, sewers and grading at a cost of, in round numbers, two million dollars, completed the municipal court building and detention hospital at a cost of $600,000, purchased and equipped the new city hospital at a cost of $100,000. It ended one of the longest and most disagreeable utility contests the city has had to contend with by the purchase of the water plant for the sum of $3,525,000, a plant which could not be reproduced today for less than six million dollars. If all of the above improvements were to be made this year, or at any time within the near future, the cost to the property owners would be at least several million more than the above amounts, thus showing that by acting promptly as prices and cost of labor began to soar, the city and property owners were saved on the foregoing items alone millions of dollars, and as time goes on the foresight of the commissioners will stand out more and more prominently.

UPS AND DOWNS

Naturally, in crowding such an extensive program of public improvements into so short a period, especially that part covered by the street department activities, resulted in heavy burdens in the way of special assessments, in many cases the assessments overlapping each other, and brought about a great deal of complaint and a demand that the city slow up and that taxes be reduced, a demand which was promptly met by the commission in power during the year 1921, and the present administration for 1922. On March 31, 1922, as shown by the auditor's report, there was a balance on hand in the working funds of most of the departments, the total amount of the balance being, in round numbers, $137,000. The showing for the year ending March 31, 1923, not yet entirely made up and included in the auditor's report, but the figures available, make a remarkably fine showing, there being a balance in every working fund—the balance in the consolidated general fund reaching $185,598.64. In the showing thus made for the two periods 1918–19–20, and the years 1921–22, may be found the real strength of the commission plan government. During the first period the commission promptly responded to what seemed to be, not only a national, but a community emergency, supported by a patriotic, intelligent public opinion, and made large and expensive improvements, some of which under ordinary conditions might, and probably would, have been postponed, but all of which were needed, and as it turned out all worth more than they cost. In the latter period the commission just as promptly responded to the demand for economy and a reduction in the cost of government, and the city starts the year 1923 with a surplus in the general consolidated fund.

At this point candor, and a fair statement of conditions, compels the statement that during the periods covered, what is commonly known as the "dead man's pay roll fraud" crept into one or two of the departments and indictments and prosecutions followed, and the guilty parties are now on the way to prison. This method of theft and graft, however, is not confined to commission plan cities, it appearing in one form or another in substantially every large business enterprise where large numbers of men are employed, and the number varies at different times; and the chances of its successful operation, for a time at least, in cities of the size of Des Moines, under city manager plan, are far greater than under the commission plan, due to the fact that each commissioner is the responsible head of one of the departments of government and the scheme, to be successful, would have to run the gauntlet of five persons instead of one.

A very interesting comparison of the commission and city manager plan, written by Mr. Fred Lazell, will be found in *American Municipalities* for April, comparing Cedar Rapids, which is under the commission plan, with the city of Dubuque, which is under the city manager plan.[1] Among other interesting statements in the article, it is shown that for the years from 1910 to 1921, inclusive, the taxes paid on each thousand dollar's worth of property for strictly city purposes was from $3 to $4.50 more each year in Dubuque than in Cedar Rapids. Again, in referring to these figures, Mr. Lazell says:

> That is making a fine showing for Cedar Rapids during the years the commission plan has been in effect. It has been a decade of great growth in many respects, of bridge building, park purchase and development, the erection and maintenance of bathhouses, the installation of playground apparatus in all the parks, the acquisition and purchase of the island and the building of a sea wall around it, together with filling it, landscaping it, paving a street down half its length, and putting in curbing and sidewalks.

Thus making prominent the accomplishments for Cedar Rapids which makes the city more healthful, more beautiful and more livable.

MANAGER'S DUTIES TOO HEAVY

And right here can be found the fatal defect in the city manager plan. The manager must be an expert in administrative details, and ninety-nine times, under present conditions, out of one hundred, he must be imported. He knows nothing about local conditions, except those things which are common to all cities. He is not acquainted with the people; knows nothing about the local needs as they affect the home and the morals of the youth of the city. If he gets into trouble (which he will very soon if he attempts to perform his duty with courage and independence) he will be without close, friendly local help, and if a single newspaper joins in finding fault with him his usefulness will soon be impaired, and finally destroyed altogether. Citizens who measure their patriotism and civic pride by the size of their tax receipts are hard taskmasters, and the manager, to satisfy them at all, must devote all his energy and time to economizing and saving them money. It is a fine thing, of course, to practice economy in city affairs and to save the taxpayers money, but it is far more appealing to so conduct the affairs of the city that the health and strength and the morals of the kiddies are preserved, and that the needs of the community, as they affect the home, are given paramount consideration. It is because of this fundamental weakness in the manager plan that Columbus, Georgia, has had three different managers in ten months; that recently Long Beach, California, recalled their manager; that Waltham, Massachusetts, and Lawton, Oklahoma, abandoned the city manager plan; that Nashville, Tennessee, recently replaced one manager with another; that Oraway, Michigan, has just asked their manager to resign, and that just a few months ago 16,000 voters in Dayton, Ohio, voted to abandon the manager plan. Des Moines, during the entire fifteen years of the operation of the commission plan, has never recalled, or seriously attempted to recall, a single commissioner, and but one in all that period has been forced to resign.

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[1] Dubuque did not adopt manager government until June 1920.—Ed.

The city is in the heart of the state which Horace Greeley had in mind when he made his famous "Go West" statement. It has a population of 140,000, and is the best advertised city in the United States.

LONG LIST OF PUBLIC IMPROVEMENTS

In entertaining numerous gatherings and conventions, about the first thing that the local committee does is to show them over the city, and point out what we have for the money expended to make the city attractive and livable. And here is what we have:

Fine, up-to-date city hall	$500,000.00
Water plant, and 400 acres of park, worth now at least	6,000,000.00
City parks, golf, and playgrounds	3,085,000.00
Municipal court building	600,000.00
City library	475,000.00
Personal property	400,000.00
Market house and grounds	150,000.00
Police station (old)	50,000.00
Fire stations	238,000.00
Detention hospital	25,000.00
Cemeteries and grounds	310,000.00
Sewerage pumping station	27,500.00
Garbage plant	60,000.00
City hospital	150,000.00
City yards	35,000.00
Other real estate	75,000.00
River walls and flood protection	350,000.00
Sewers	3,251,967.04
Observatory	50,000.00
Reinforced concrete bridges	1,200,000.00
Grand Total	$17,032,467.04
Against which there were outstanding April 1, 1921,	
General bonds, payable out of general taxes	$6,157,719.80
Special bonds, payable from special tax levy	3,727,139.96
Total general and special bonds	$9,884,859.77

In addition to all the foregoing, the city has a civic center lining both east and west banks of the river, and intersecting Court Avenue, Walnut Street, Locust Street and Grand Avenue, with the municipal court building and grounds, the proposed federal court site, the grounds for the art building, the city hall and the natatorium site, ranged along the east bank of the river; on the opposite side the post office, library, and the coliseum, all tied together by four beautiful concrete bridges.

Six blocks east of the civic center is what is known as the Capitol Extension Park, the finest in the country, containing 94 acres, and costing approximately $2,500,000. In connection with the city hospital there is the public health, nursing, child welfare, and free clinic departments, rendering a service to the unfortunate and helpless which cannot be measured by money—departments in which hundreds of the little ones have been examined and treated for various defects and handicaps and started on the road to health and usefulness. Then there are miles and miles of paving and curbing, the Women's Club building and grounds, as fine as can be found anywhere; fine churches for every denomination, and the most ambitious school building program of any city in the land.

No other city in the United States, in the Des Moines class as to population and other similar conditions, has as small an outstanding indebtedness, and as much to show for what has been spent. This, with what the city has accomplished in the last fifteen years, ought to satisfy any fair critic that the city, under the Des Moines commission plan, has not only met every fair test of good government, but that during that period it has housed and taken better care of its helpless, unfortunate and sick, and kept the city morally and physically cleaner than the average city of its size.

These are the things upon which our civic pride is based, and upon which our hopes for the future rest.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Serious Water-Borne Typhoid Outbreak Due to Unusual Cause.—A water-borne typhoid outbreak which took place during the past spring in Cochrane, Ontario, resulted from an unusual combination of conditions. The main cause, according to F. A. Dallyn of the Ontario Provincial Board of Health, was the temporary lowering of the level of a reservoir furnishing an auxiliary supply to that community which permitted a reverse flow from the reservoir outlet and admitted sewage polluted water to the reservoir. It appears that the main supply for Cochrane is taken from a series of springs. A limited reserve supply is obtained by collecting the overflow from these springs, in a reservoir, known as Spring Lake. During the past winter, which was preceded by a dry fall, and possibly, also, owing to considerable railway construction going on in that area, the capacity of the municipal system had been taxed to the utmost, with the result that the level of Spring Lake was depressed below that of the drainage area outlet. This outlet, unfortunately, connects with a lake receiving sewage. The whole area was under a heavy sheet of ice and snow at the time. Apparently the pump attendant did not realize just what hazard he was placing the municipality in by lowering the level of Spring Lake to three feet below that of Sewage Outlet Lake.

The possibility of some such accident was discussed with the municipality last year, and a by-law was passed to provide for expending a considerable sum for further reservoir capacity for the spring and for developing the springs somewhat further. Unfortunately, the town did not proceed with that work, nor with the purchase of a chlorine feed apparatus, which, also, was recommended.

Although the conditions at Cochrane are not likely to be duplicated in any other community, this disastrous occurrence constitutes a timely warning of the necessity for rigid control over all water supplies subject to possible contamination from sewage polluted waters.

⁂

Hazards of Building Alterations.—The need for rigid inspectional control by thoroughly competent engineers over the examination of structural plans and the execution of the building work was demonstrated in the failure at Hartford, Connecticut, on March 31, of a water tank tower which resulted in the death of ten men. The tower was 28 feet square, about 113 feet high above the ground and 124 feet high above the foundation. It supported a 50,000-gallon water tank. Subsequent to the failure a number of investigations into its cause were started. These investigations, according to Professor Carleton T. Bishop of Yale University, who reports on the disaster in the *Engineering News Record* of April 12, 1923, disclosed the fact that the original plans of the structure were modified materially during its construction. These modifications consisted mainly in the removal of at least half of the eight one-inch square sway bracing rods in the side faces of the steel tank support. These had been removed the afternoon before the accident. These rods extended from the top of each column to the bottom of the adjacent columns. They were removed by order of the engineers in order to permit the use of space beneath the tank. There is no evidence to show that the city officials were in any way derelict in the matter. The original plans on which the permit to construct was issued apparently met requirements for this class of work. Whether or not if the construction after it progressed, had been subject to rigid inspectional control, the removal of this bracing would have been permitted, is of course problematical. It was authorized by supposedly competent engineers. Three of the latter held to be responsible for giving the orders which resulted in the removal of the bracing were arrested on the charge of manslaughter following the coroner's inquest into the collapse of the tower. There is no evidence in their acts or others of any attempt to scrimp the work. It appears simply to be a case of where, in order to satisfy the wishes of the people for whom the building was being erected, the engineers made changes in the structural features without giving adequate consideration to the significant and probable result of these changes. They took a chance, with disastrous results.

This regrettable occurrence should serve as a warning to engineers and architects as well as public officials responsible for regulating building construction that the interests of safety demand strict adherence to recognized principles and standards in building construction of all kinds.

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Guarding Against Pollution of Harbor Waters by Oil-Burning Vessels.—A new problem in protecting harbor waters against pollution has arisen in the need for regulating the operation of oil-burning vessels in order to prevent the discharge of oil wastes or oily bilge water from those vessels when within the limits of or in the vicinity of the harbor. Since the war the rapid development of oil-burning vessels and the transport of oil by tankers has led to the serious pollution of harbor waters. Resulting conditions have increased materially fire hazards along the water front, have temporarily put bathing beaches out of business and caused serious loss by injuring and in some cases destroying shell fish. The present situation is one deserving the serious consideration of both national and local authorities. Most seaboard cities are protected in some measure at least by existing statutes governing the pollution of harbors. New York City, which probably has the most difficult problem of any port in this country with respect to the pollution of its harbor waters, is protected by both national and state legislation.

By an act of Congress of 1888 a fine of from $250 to $2,500 may be imposed for the discharge of "sludge" into New York Harbor; in 1894 and 1898 this act was amended so as to require permits of the masters of scows handling refuse and providing for inspection by the supervisor of the harbor. In addition, the state commissioner of health has authority to prevent the discharge of any refuse but sewage and street wash into the harbor.

In December, 1919, the board of aldermen amended an existing ordinance so as to make it unlawful to pollute the waters of the bay, and had five or more scows placed at the disposal of the supervisor to receive refuse from vessels.

The main difficulty lies in the enforcement of the law, which is chiefly within the province of the supervisor of the harbor, due to the ease with which the discharge of oil may be concealed and to the limited number of inspectors at the disposal of the supervisor.

Another difficulty lies in the lack of jurisdiction beyond the three-mile limit.

As the result of a series of national conferences on the problem of regulating oil-pollution of harbor waters legislation designed to afford substantial relief from existing conditions was prepared and submitted to Congress. This statute, the Appleby bill, among other provisions prohibits the discharge of oily wastes within 100 miles of shore. The bill in question deserves the energetic support of all parties interested in protecting harbor waters. It should be noted that it is to the interest of the ship owner to discontinue the practice of discharging oily waste into harbor waters.

In many cases the waste oils and tars could be salvaged at a profit, and this is now done in a few instances. However, it requires an educational campaign to make the introduction of this practice general.

◆

Boston Considers Radical Change in Disposal of Waste.—Sweeping changes in the administration of municipal waste disposal by the city of Boston are proposed in a report submitted by George A. Johnson Company, Inc., to Mr. Joseph A. Rourke, commissioner department of public works, a digest of which appears in the Boston *City Record* of March 3. The outstanding features of the contemplated program provide for:

> 1st. The termination by agreement of an existing contract under which the final disposition of the bulk of the city's garbage is by reduction.
>
> 2nd. The establishment of eight incineration plants. The proposed location of these plants have been selected so as to insure in each case a comparatively short haul.
>
> 3rd. Discontinuance of all collection service by city forces and the adoption of the contract system for handling all of this work. At present part of the collection work is done by city labor and part by independent collectors operating under one-year contracts. The proposed plant contemplates the collection of all classes of waste together.
>
> 4th. The establishment at certain of the incinerators of plant equipment to be used in the generation of high pressure steam and the development of electric power. It is the

> intention that the incinerators together with the auxiliary power plants shall be city owned but operated by private interests under a suitable franchise granted by the city.

The type of incinerator it is proposed to install in Boston is one which heretofore has not been operated in this country but has been used to a considerable extent in South American cities, notably in Montevideo, Uruguay. It is stated that a plant of this type is at present being constructed in Charleston, West Virginia. The main feature of this plant which differentiates it from other incinerators consists in the storage of the garbage and other refuse before incineration under conditions which promote the fermentation of organic constituents and produces a molecular readjustment which transforms the character of the refuse to a mass of easily combustible material. This stage of the process is accelerated by the application of waste heat from the combustion chamber of the incinerator. The claim is made for the process that in the subsequent incineration of materials thus treated high temperatures are developed assuring an abundant supply of power if it is desired to produce it.

The estimates of costs under the proposed system show substantial economies over those prevailing at present in the collection and disposition of the municipal waste of Boston. In the matter of refuse collection it is claimed that the adoption of a system of handling this work entirely by contract will effect an annual saving of approximately $461,400. The total cost of constructing and equipping eight incinerators having a daily rated capacity of 1,950 tons is placed at $2,255,000. The cost of operation and maintenance, including fixed charges on the capital investment together with allowances for sinking fund and depreciation, is estimated at approximately $641,000. The total cost of the proposed auxiliary power plants to be developed at six of the incinerators is estimated at $1,223,695 and the cost of maintenance of these stations is placed at approximately $223,000. It is anticipated that a revenue of approximately $527,700 can be obtained from the sale of electric power and other sources. The annual net saving to the city under the proposed arrangement is estimated at approximately $550,000.

The comprehensive plan for the collection and disposal of municipal waste which is now under consideration by the city government of Boston contains certain radical features of an unusual character. The proposal to handle all collection work by contract constitutes somewhat of a departure from conclusions arrived at by many students of the problem of waste collection in respect of the relative advantages of handling this work by contract or by city forces. The proposal to develop power in connection with the operation of incinerators is obviously not a new one. It is, of course, entirely possible to utilize heat resulting from the combustion of refuse to develop steam and electric power. This practice has been followed to a limited extent in a number of cities in this country. The experience of these communities in this matter has not been of a character that would lend conviction to claims made of extensive financial returns from such sources. The proposed type of incinerator, as has been previously stated, is as yet untried in this country although apparently used successfully elsewhere. The administration of municipal waste collection and disposal constitutes one of the most vexatious problems confronting city governments to-day. If Boston carries out the plan recommended, its operation should be watched with the greatest of interest by engineers and other city officials, particularly in the larger communities.

RECENT BOOKS REVIEWED

City Planning in Practice

The Law of City Planning and Zoning. By Frank B. Williams. MacMillan Company, New York, 1922. Pp. 738.

"To the average citizen the only real test of a principle is whether it works or not." Mr. Frank B. Williams thus opens Part VI of his book on city planning law, which is really a comprehensive work on the practice of city planning—dealing with principles, finance and administration as well as law. He shows us what the principles of city planning and zoning are, how they work in America and Europe under the law as it stands, and what improvements are needed both in law and administration.

THE LAWYER NEEDED IN CITY PLANNING

The preparation of a city plan requires the combined services of the architect or landscape architect, the engineer or surveyor and the lawyer. Men representative of these three groups at least are necessary to contribute the technical knowledge to make a plan that can be effective in its application. One group will dominate in one field of planning activity and another group in another field. In all operations and schemes the lawyer has some contribution to make and in certain fields he is the chief city planner. Edward M. Bassett, Alfred Bettman, and Frank B. Williams are three members of the legal profession who have done as much to advance the practice of city planning in America as any three men belonging to other professions. In study, in exposition of principles and methods, in practical demonstration they have helped to give it a reality and a standing among thinking people that could not have been possible without their aid. It is not too much to say that they have an enormous influence in the improved attitude of the courts of law in dealing with the practical problems of city planning that have come before them in increasing volume in recent years. Particularly in the field of zoning the lawyer has the major share of the task of putting plans into execution and of carrying them through to new conditions.

The book that Mr. Williams has written is, in its own field, the most instructive and scholarly work on the subject in the English language. It is not an ordinary legal treatise consisting of annotated acts with occasional interjections of opinion sandwiched in between lengthy quotations. There are lengthy quotations indeed, an extensive bibliography, an index of cases, and a wonderful index; but these serve the purpose of illustrating or systematizing a work which in the main consists of the author's original thought on the complex subjects with which he deals. Nor is the work merely a theoretical study without the background of experience, for Mr. Williams has had opportunities not only to observe the workings of the laws of which he writes in America and Europe but has been engaged himself in the practical work of preparing the ordinances required to give effect to planning and advising on many planning operations.

The book is invaluable as a guide to city planners and members of municipal authorities on the statutory limitations imposed upon them in preparing plans, but it is also useful to politicians and those who lead public opinion in showing the need and suggesting the methods of making the law more effective to secure the public welfare.

RAPID PROGRESS OF CITY PLANNING

Although one shares Mr. Williams' view that administrative methods are of slow growth in relation to city planning in America, yet perhaps the most striking feature of his book is its revelation of the rapid development of city planning law and of the improved attitude of the courts towards city planning in the last twenty years. His summary of principles, law, administration and finance show that we are in the middle of a remarkable period of achievement with many of the barriers to future progress broken down.

COMPREHENSIVE PLANNING

Mr. Williams believes in the comprehensive planning of regions and cities that deals not only with their public features, such as streets, parks and public buildings, but also with the control of subdivisions of private lands and of the height, volume and use of buildings erected upon such lands. His review of procedure and methods in different countries brings out the strength and weakness of the methods in vogue in each country and shows the limitations of zoning, as practised in America, when not made subsidiary to the general city plan and carried out simultaneously with the control of the subdivision of undeveloped land.

He illustrates the need of comprehensive planning by referring to the case of New York city, where the construction of subways was begun without proper regulation of building, with the result that the additional means of transportation proved little more than a palliative in relieving congestion. When labor on the well-known zoning regulation of building was applied in New York, the effect was to make it easier to obtain the advantages of increased facilities for transportation. But even with the benefit of zoning New York has still got a transportation problem that cannot be solved without further restriction on the volume and height of buildings than is now imposed. The need of restriction is greatest, as Mr. Williams points out, in regard to limitations affecting bulk of buildings.

The tall building he regards as a peril, with its special fire risks, insufficiency of light and air, and injury to real estate values by reason of the fluctuation in the character and intensity in the employment of lands which their mere bulk causes.

In the chapter on "The Principle of Building Regulation and Zoning," the author excels in reasoned and clear statement of the theory of restricting use, bulk and height of buildings.

ORIGIN OF ZONING

Although Germany was the first country to develop zoning to any extent, the doubt may be expressed whether it originated in France. In any case, we must go much further back than the decree of Napoleon I in 1810, quoted by Mr. Williams from Baumeister, to find proposals to regulate the use of buildings and particularly to prevent the encroachment of industries into residence areas. Christopher Wren suggested zoning in this form in his scheme for rebuilding London in 1666, and this appears to have been the earliest known case of the proposed application of the theory. No doubt it is true, however, that German zoning had its origin in the decree referred to by Baumeister in 1876.

DEFECTS IN ENGLISH LAW

In England, where city planning deals primarily with undeveloped land, the greatest weakness of the law is that it is limited in application to special areas within cities and therefore does not encourage comprehensive planning. The limitation in the opinion of the writer is not so much the effect of the Town Planning Act, as it is of the timidity of the law officers and administrators, who control its application, in permitting its extension to lands already built upon. Whether this be the case or not, politicians and lawyers in England do not yet appreciate, as Mr. Williams appreciates as a result of his wide experience, that any city planning and zoning law that is not of general application to all land within a city is bad law, because it is based on discrimination and creates unequal burdens and unequal zone protection. This is the great weakness of the English act or of its interpretation by its administrators. The effect is that schemes are made, as Mr. Williams points out, that entitle owners and the community to receive benefits or force them to bear burdens in one part of the area of a city adjourning other parts where they do not receive these benefits or are free from these burdens. Under such limitations there cannot be equity; and the consequence is that in trying to avoid the bad effects of the law its good effects are not obtained to a satisfactory degree. Any co-ordinated zoning system is, of course, impossible under English law but, moreover, the compromises that have to be made to keep the effects of discrimination within reasonable bounds prevent effective zoning being applied even to the sectional areas that are planned.

EMINENT DOMAIN

It is natural that a large part of Mr. Williams' book should deal with eminent domain; with the distinction between eminent domain and the police power, with excess and zone condemnation, with the respective rights of the public and the owners of property, and with the attitude of the courts on these questions.

He shows how great is the power of the courts in resisting or promoting reasonable public improvements; resisting them because of too much partiality to private rights or promoting them because they recognize first that law should be adjusted, as far as constitutionally practicable, to suit change of condition, and second because they see that the modern city has brought about a great change in the relationship between the public and the private owner. The change is indicated by Mr. Williams in the following extract from Part V, dealing with city planning finance:

> In comparatively recent times the city dweller obtained daylight, air and outdoor recreation from his own land or that of his neighbors; now he demands boulevards, parks, playgrounds and recreation fields supplied by the city. Formerly, to go to his business, he was satisfied with the leisurely horse car line built and managed at comparatively small expense by private enterprise; he obtained water from his own well or a private company, and at night burned a kerosene lamp; now he demands a subway express, electricity, public water in superabundance, and the countless necessities and luxuries that have come to be considered public utilities; and if private enterprise does not supply these needs at a minimum price he clamors for, and obtains use of public money for the purpose.

To the above may be added the public expenditures in sewage disposal, on fire protection, on street making and maintenance and on education. These things and those enumerated in the above extract all add to the value of private property. It is true not only that "these changed conditions have greatly increased the amount of money that the modern city must raise from its citizens," but also that it gives to private land a value it did not formerly possess. Some of that value can be recovered to the city by special assessment, but the greater part of it is merged in private values. When, therefore, the modern city seeks an easement for the purpose of making a public improvement, or imposes a restriction to prevent undesirable use of land or endeavors to control its development in the public interest, some regard should be paid to the benefits it confers on private property as a set-off against any loss to the owners.

An illuminating extract is given in the footnotes on pages 36 and 37, which sets forth the fact that under modern conditions of town development the public have rights of ownership in building values by virtue of its expenditures in improvements even where such land is legally vested in the individual. When a person subdivides his land for building purposes he indirectly imposes upon the state and its agent, the city or town, the duty to provide fire protection, police protection, school facilities, sewage disposal, water supply, and to a varying degree street construction and maintenance. It is the provision of these things that add most to its value, and indeed without these things it is or should be of little value. They can only be provided at considerable cost to the public.

The owner of land may of course pay a substantial part of the cost of these benefits, both in special assessment and general taxation. He is also entitled as a citizen to the protection of his rights of property. But the city or town that has been a partner with him in adding to the value of his land should not be looked upon as a wrongdoer, as is too frequently the case, when it seeks to carry out improvements for the general welfare, and asks him, as a beneficiary of the public expenditures, to submit to restrictions on the method of developing or using his land.

In those cases where property is both benefited and injured the public should have some claim for betterment as a set-off against the claims for damages. On this point Mr. Williams quotes Nichols (*Eminent Domain*), who states that while it is justice to pay compensation where damage is done to property the same sense of justice requires that benefits should be considered.

Mr. Williams points out the need of reform of the procedure in eminent domain. Few reforms compared to this, he says, would "more aid the cause of city planning and city government generally."

A chapter on "Planning for the Promotion of Beauty" is one of the most interesting in the book. It contains much that will be disappointing to persons of taste and to those who love order, and much also that will give them hope for the future. In respect of this matter, as of every other matter with which the book deals, one must agree that the law on city planning has been broadened and improved in the same degree as public opinion has developed in favor of city planning. Where the public leads it is evident the lawyer and the law will follow. Therefore the supreme task and the moral of this excellent treatise is that we must continue to educate the public to appreciate the need of city planning and of obtaining powers to give it effect.

THOMAS ADAMS.

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The Direct Primary

THE DIRECT PRIMARY. The Annals of the American Academy of Political and Social Science, Vol. CVI, No. 195, March, 1923 (J. T. Salter, ed.)

This noteworthy symposium gives in convenient form an up-to-date summary of the facts and opinions concerning the direct primary. The arguments for the direct primary are systematically arranged by Professor C. E. Merriam, Dr. H. W. Dodds, and Senator Norris, while those against are brought out by Dr. K. F. Geiser and Professor A. B. Hall. Professor Merriam emphasizes the utility of the direct primary in one-party states and counties, Senator Norris stresses the opportunity which the direct primary offers to the "intelligent citizen," and both Merriam and Dodds argue that the short ballot would improve the effectiveness of the primary. Professors Geiser and Hall base their case against the direct primary on the ground that it destroys party responsibility. Dr. Geiser does not clearly indicate what he means by "responsibility." Professor Hall gives a more satisfactory discussion of this point and he pleads for objective treatment of the whole problem, but he fails to give corroborative evidence for his conclusions concerning the delegate convention as an agency for compromise. The summary of the opinions of public men on the value of the direct primary, prepared by Mr. W. E. Hannan, while fragmentary, shows the existence of wide differences. In general, party managers favor the old convention system, governors favor the direct primary, while political scientists and editors are divided. Especially useful is Dr. C. Kettleborough's summary and digest of the primary election laws. A few discrepancies, however, should be noted. The digest does not indicate the repeal of the direct primary for state officers in New York and the summary fails to call attention to the pre-primary convention in South Dakota and the "open" primary in Wisconsin.

Some special features of the direct primary are discussed in the second part of this symposium. Professor P. O. Ray discusses the failure of the presidential preference primaries and he advocates a post-convention primary. Dr. R. S. Boots describes how inadequately the state parties have functioned in the formulation of policies and he recommends the proposal of candidates and issues by a preliminary meeting of the responsible party leaders. Dr. R. E. Cushman thinks that the non-partisan ballot has had wholesome results in local elections but that the same cannot be said for it in judicial and state elections. Mr. S. T. Wallace points out that the pre-primary convention has not destroyed the value of the direct primary. Mr. C. S. Hoag argues that the Hare system of proportional representation does away with the need for the direct primary. On the other hand, Dr. B. H. Williams argues that preferential voting has failed and the hope of preventing minority nominations under the direct primary lies in the development of two fairly evenly balanced political groups. The articles by Boots and Wallace are based on questionnaire evidence, while the other articles in this section are largely the product of personal observation and reflection.

Some objective descriptions of the operation of the direct primary in particular states are given in the third part of this number of *The Annals*. Dr. V. J. West shows how the independence of the voters in California has affected the operation of the direct primary in that state. Dr. O. C. Hormell presents some detailed figures which show that in Maine the direct primary does not discriminate against the rural districts in favor of the urban. Miss L. Overacker's statistical analysis of the actual number of votes cast under the old convention system and under the state-wide direct primary in New York leads her to conclude that the direct primary in that state meant "a slight increase in popular interest and a slightly greater degree of responsiveness on the part of the leaders to popular demands." Professor F. E. Horack shows by the use of a table that in Iowa the number of candidates under the direct primary has not been excessive. Dr. C. A. Berdahl describes in a sympathetic manner the operation of the interesting Richards law in South Dakota and Mr. F. H. Guild gives figures to show that in 75 per cent of the counties of Indiana the real contest for the county offices takes place in the direct primary and not in the election.

Mr. J. T. Salter, the editor of this number of *The Annals*, is to be congratulated upon the variety and weight of the material which he has collected.

Harold F. Goznell.

⁂

A Policeman's Duties

The Policeman. By Cornelius F. Cahalane. New York: E. P. Dutton & Co., 1923. Pp. 354.

Inspector Cahalane's new book is designed to take a place in the field of police literature which until recently has been quite unoccupied. In fact, it was only a few months ago that Colonel Chandler's *The Policeman's Art*, written with the state police particularly in mind, made its appearance. Now comes Inspector Cahalane, author of *Police Practice and Procedure* (intended primarily for the information and instruction of the New York city force), and extends its application to municipal policemen throughout the United States and Canada.

This discussion of the daily duties and practical devices of the police serves to emphasize the wide difference in the present condition of the "science" of police administration and that of the policeman's art. We have enjoyed a fair degree of continuity in the service of our patrolmen, but our police administrators arrive and depart with startling rapidity. They are here to-day and gone to-morrow. The development of police administration as a profession has thereby been greatly retarded.

But in the matter of police practice and procedure, in which the policeman has had an opportunity to apply the results of long years of experience, there has been evolved a body of opinion relating to crime repression and criminal investigation which receives general acceptance. It is for this large group of readers that Inspector Cahalane writes.

The book is a compact compendium of advice not alone for the "rookie," but for the veteran as well. Questions of procedure are answered with a degree of detail which readily satisfies and disposes of all doubts. There are no glittering generalities. The careful description of established criminal practices, of the devices employed to avoid suspicion and escape detection should prove invaluable to the young policeman and perhaps save him from the embarrassments attending early failures. Furthermore, there are still cities where the police, quite regardless of their years of experience, may still profit extensively from a study of the principles there laid down.

This book will be especially helpful in police schools as a practical guide. In fact, it is quite clear that this was the author's primary purpose in writing, for the universal rules of conduct with which he treats, already occupy a large place in their curricula.

It would be unfortunate, however, if this book were to reach only the professional policemen and those undergoing training. It is especially recommended to those persistent critics of the police who fail to recognize and appreciate the solid worth of much of the service which they render. If police administration had but kept pace with the policeman's art, the problems with which we now contend would be less baffling.

BRUCE SMITH.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Split Session Defeated in Indiana.—A constitutional amendment providing for a split session of the legislature passed the Indiana senate last winter by a vote of 26 to 19, but failed in the house although it was advanced to the engrossment stage.

◆

P. R. Constitutional Amendment in California.—A resolution proposing an amendment to the California constitution legalizing proportional representation for municipalities throughout the state passed the senate at the last meeting of the legislature by an overwhelming vote of 23 to 8, but was later lost in a shuffle in the assembly. Here the amendment breathed its last in committee.

◆

Mayor Dever Orders Expert Survey of City Departments.—Chicago's new mayor has opened his administration by ordering a survey of every department and bureau in the city government. It will be physical as well as financial and will determine how the municipality stands and where services can be improved, where cuts can be made and where extensions are necessary. The firm of Griffenhagen and Associates has been engaged for the big task.

◆

The Status of Home Rule in Pennsylvania.—Our readers will recall that under a recent constitutional amendment the legislature of Pennsylvania is authorized to grant to cities the power of framing their own charter. Although the legislature at this writing has not adjourned, it is generally accepted that the Craig home rule bill, designed to give effect to the constitutional amendment, will be decisively defeated. Our information is that the Philadelphia and Pittsburgh delegates are openly hostile to it, and that the officials of many smaller cities, who were originally favorable to the bill, have turned against it. They thought that home rule involved only giving them additional powers, but when it developed that it might also eliminate some jobs through a new charter they quickly reversed their attitude.

The consolidated administrative code reported in the June REVIEW has passed the senate and it is expected to pass the house without difficulty.

◆

West Virginia Passes New Bond Law.—West Virginia is the last state to join the list of those who have rewritten their municipal bond laws, and in so doing has enhanced the standing of all her local bonds. In common with states having other progressive measures of the kind, West Virginia counties and cities are prohibited from issuing bonds for current expenses. The maximum maturity permitted is 34 years, and all bonds must mature serially within this maximum term. The so-called "serial annuity" bond is permitted.

With respect to sale, the act provides that the bonds must be first offered to the several state funds. If not purchased by them they shall then be advertised for sale on sealed bids. In the event that bonds are not disposed of after such advertising they may be sold at private sale, but no private sale may be made at a price less than the highest bid received at the advertised sale. No bonds may be sold for less than par.

The debt limit is set by the act at 2½ per cent of the assessed valuation with an additional 2½ per cent for county or magisterial district road purposes or for grading, paving and other street improvements in case of municipal corporations. A three-fifths vote of the qualified electors is required to contract any debt. No one will deny that this is not sufficiently high.

◆

More About the Long Beach Recall.—We present herewith the other side of the recent recall election by which City Manager Hewes of Long Beach was recalled by vote of the people.

Editor, National Municipal Review,
New York, N. Y.

Sir: Referring to article of "E. A. C." in April number, "Recall of the Manager in Long Beach, Calif.," lack of space prevents full reply. The writer and the late General A. P. Hanson, president of the City Managerial Club, were the "group" who called on Mr. Hewes, not to request the removal of the chief of police, but to suggest that the then temporary chief, having been mixed up in local police squabbles for years, would be an unwise choice for chief, and suggested Sergeant Yancy for the position. Later developments proved our advice to have been sound.

It was the City Managerial Club who initiated, engineered and fought the battle for the managerial charter, that initiated, engineered and fought the battle for the recall of Mr. Hewes, in which the greatest factor was his freak zoning ordinance. The equalization of assessments was anything but equal. He was out of harmony with the entire administration, which was one of our basic charges. In constant warfare with our very popular lady city auditor, an elected official, he went so far as to oust her force of feminine assistants from their office by armed police. He openly flouted the charter, framed by fifteen freeholders, whose president is a prominent attorney, and drafted by R. H. Jackson, for years clerk of the house of the California legislature, and an expert on bills. The board had the advice and assistance of Paul B. Wilcox, the sixteenth elected freeholder, who was in constant attendance at their sessions, and who soon afterwards became associate editor of the Review and assistant city manager of East Cleveland. Mr. Hewes, himself, in a letter to the writer long before he became manager, after making objection to the recall provision says: "On the whole, it is a good document," referring to our charter.

Mr. Hewes' defeat was decisive. He carried only ten out of thirty-five precincts. Had a full vote been cast, according to all pre-election indications, the majority for the recall would have been correspondingly increased. At the recent charter amendment election no amendment to remove the provision for recall of the manager was submitted to the people.

Had the recall of Mr. Hewes failed, the managerial form in Long Beach would have been doomed.

B. C. Bub.

✱

Administrative Reorganization in Vermont.—Mainly through the efforts of Mr. Benjamin Gates, the state auditor, a movement for the reorganization of the state administration was started in Vermont about four years ago. When Governor Redfield Proctor was inaugurated in January of this year, he sent a message to the legislature recommending administrative reorganization and setting forth at some length the details of a proposed scheme. In defense of the idea in general, the governor said: "There has been a tendency throughout the country to handle difficult problems by creating boards or commissions exercising independent authority. They are not directly responsible to the voters or under the control of either the legislature or the governor and tend to confuse and obstruct the frame of government originally established, which was simple, clear and sound. The nearer we keep to that, the better."

Acting to a large extent upon the governor's recommendations the legislature enacted early in the session a reorganization plan (ch. 7, amended by ch. 8, Laws of 1923.) The plan became effective on May 1. It provides for seven administrative departments, as follows: finance, public welfare, public health, highways, agriculture, education, and public service. More than twenty offices, boards, commissions, and agencies were abolished and their functions consolidated in the seven departments. These departments are single-headed except the departments of highways, public health, education, and public service, which are under the supervision of small boards. The departmental heads are appointed by the governor with the consent of the senate, and the terms of office are the same as that of the governor except in the case of the board members.

Taxation, accounting, purchasing, budget-making, and banking and insurance are under the department of finance. An executive budget takes the place of the budget prepared by the old board of control, which is abolished. Hereafter the legislature at each regular session will make definite appropriations for all expenditures of the state government. All continuing appropriations are abolished, and all revenues dedicated to certain purposes must be appropriated biennially in definite amounts. All revenues from every source are to be turned into the state treasury as soon as collected.

The departments of public welfare, public health, highways, agriculture, and education have much the same functions as similar departments in other reorganized state governments. The department of public service, however, has under it public utility regulation, weights and measures, regulation of labor disputes, and general regulation of industries in the state.

While the Vermont plan of reorganization is not as thoroughgoing and as clear-cut as it might be, yet it may work out in actual practice much better than is indicated by the provisions of the law. Whatever may be its defects, certainly it is a step in advance for the state.

A. E. Buck.

A Spoils Veto by Governor Small.—More than three thousand jobs are turned over to spoilsmen by Governor Small's veto of the Chicago parks civil service bill after it had passed both houses of the Illinois legislature by a big vote. The positions affected are in the three Chicago parks—Lincoln, West and South—the first two of which are under direct control of the governor. The bill in question, House Bill 281, took the form of a validating act to give protection to employes who had been under civil service since 1911. The effect of this veto on the pension law for the benefit of the employes in these parks is not yet clear. However, pension laws are unknown for the protection of spoils employes. Some sort of fixed or permanent tenure has always been considered a necessary foundation for them.

"A frantic effort to salvage all that is possible of the Lundin-Thompson-Small machine—crushed in Chicago—through Governor Small in the state," is the usual comment of friends of the merit system. The park law went before the supreme court in a case wherein seven employes were fined for coercing civil service employes to purchase tickets to a Thompson political rally at Riverview Park in Chicago. At the time the machine of which Fred Lundin was the recognized brains was at the heighth of its glory and assessments in one form or another were a common thing. The case in question was the result of a grand jury investigation requested by the Civil Service Reform Association of Chicago. In giving his decision the trial judge stated that fines were imposed, instead of jail sentences, simply because it was the first prosecution under the act in question. Six of the cases affected employes of the city of Chicago under the city civil service law. Their sentence was sustained and the law upheld. One employe was from Lincoln Park, and that law was deemed invalid by the supreme court on the ground that certain conference amendments had not been printed before the act was passed by the legislature. Before the decision of the court became final a rehearing was applied for and the case was nolle prossed, leaving the park law on the books.

The Civil Service Reform Association of Chicago immediately introduced a bill in the legislature to correct the technical defects in the law. Large numbers of park employes rallied to the support of the bill, and Municipal Judge Howard Hayes was one of their champions and fought for the passage of the bill at Springfield. The situation is, then, that the park law is still in existence but has been held invalid by the supreme court, so that the spoilsmen are assured if they violate it, carrying the case to the supreme court will save them. The only thing now seems could save the act is overriding the governor's veto. This may be attempted.

R. E. BLACKWOOD.

II. CITY MANAGER NEWS

Edited by JOHN G. STUTZ

Executive Secretary, The City Managers' Association, Lawrence, Kansas

The citizens of Pasadena, California, voted favorably on three bond projects and four charter amendments this spring. The bond projects were $100,000 for the construction of a new bridge; $50,000 for water works improvements; and $30,000 for the construction of a branch library building. The charter amendments were to enable the city to co-operate with neighboring cities in the solution of mutual problems, such as water supply; to accept as a part of the city charter a recent amendment to the state constitution affecting the exercise of municipal powers; to authorize the city to bid on street work, the construction of public works, etc., and if it is the lowest bidder, to undertake the work on the same basis as a private contractor; to increase the amount of money that can be spent for equipment and materials without advertising for bids. Heretofore the amount was $500. It is now $2,500. The manager is now authorized to bind the city in amounts not exceeding $2,500, and with the chairman of the board of directors in amounts not exceeding $5,000 without advertising.

The civic center portion of the city plan has recently been published, and will be put into effect as rapidly as is consistent with the development of the city. A bond issue of three and one-half million dollars will be placed before the citizens soon for the purchase of the land and the cost of the construction of the three buildings in the civic center.

Fire insurance rates on Norfolk's (Virginia) water front will be materially reduced as a result of the installation of the city's new fire boat, thus saving an amount of between $80,000 and $100,000 per year in insurance premiums. The vessel throws 32 powerful streams of water and has an auxiliary system of 8,000 feet of hose carried by a motor truck on shore.

✦

Amendments to the Ardmore, Oklahoma, city charter, permitting all commissioners and the mayor to draw a salary of fifty dollars each per month, were granted by Governor Walton. City Manager Kirk Dyer states that the salary paid will be worth many times the actual amount to the city.

✦

Appropriate badges have been ordered by City Manager Benson of Bakersfield, California, for the city commissioners who have been deputized as police with powers in parks, theaters, and other places of amusement.

✦

Mr. George L. Rinkliff, Manager of Hampton, Virginia, has resigned. He will, on July 1, take up his duties as manager of Brunswick, Georgia, at an increase in salary. Mr. Rinkliff has made a splendid success, of city administration at Hampton during the past two years and a half.

✦

The annual report of W. E. Baumgartner, general manager of Alpena, Michigan, shows a very healthy condition in the finances of the city. Accomplishments of the past year include the installation of 1,800 water meters, purchase of new fire equipment, paving of a number of streets, the construction of 25,000 feet of sidewalk and a number of blocks of sewers. The total estimated expenditures for the year 1923–24 is $170,000.

✦

Mr. Fred H. Locke was appointed manager of Grand Rapids, Michigan, for the sixth consecutive time, at an increase of one thousand dollars per year in salary.

✦

An address on the city manager movement by F. C. Moys of Boulder, Colorado, was a feature of the meeting of the Colorado Municipal Conference at Boulder on April 26. Addresses were also given by J. E. McDaniel, city manager of Montrose; George Garrett, city manager of Grand Junction; W. H. Wigglesworth, city manager of Durango; A. M. Wilson, city manager of Colorado Springs, and Scott Mitchell, city manager of Boulder. It is hoped that a permanent municipal organization will be developed from the discussions held in this meeting.

✦

Within the past fifty days the city of Albuquerque, New Mexico, has completed a new reservoir, sewage disposal plant, two wading pools, forty blocks of paving, seeding, planting of trees and shrubbery, and installing a sprinkling system in a new park, and started flush coating 30,000 yards of paving. Contract has just been let for the building of a $25,000 storm sewer main. Bids are to be opened soon for the paving of fifty-five additional blocks of streets.

✦

A monthly financial report recently rendered by A. M. Wilson, city manager of Colorado Springs, Colorado, shows a balance of nearly $500,000 in the city treasury on April 1. Contracts have been let for the construction of a large storm sewer and the paving of a number of blocks of city streets.

✦

At a special election held Tuesday, May 8, the voters of Burkburnett, Texas, approved the adoption of a special charter providing for a modified managerial form of government by a vote of 3 to 1.

✦

We are advised that "owing to a new administration taking the reins of city government" it has been decided to abandon the city manager plan in Pipestone, Minnesota, for the present. Pipestone was operating under the plan by ordinance.

✦

The city manager plan of municipal government was adopted in the recent special election held at Navasota, Texas.

✦

The manager plan was defeated 2 to 1 in an election held for its adoption in Mineral Wells, Texas, recently.

✦

The following city managers have been appointed to positions during the past month: Mr. M. F. McFarland, city manager, Norman, Oklahoma; Mr. D. L. Youmans, city manager, Muskogee, Oklahoma; Mr. Ira R. Morrison, city manager, Chico, California; Mr. F. E. Lawrence, city manager, Sapulpa, Oklahoma; Mr. V. Avery Thompson, city manager, Phoenix, Arizona; and Mr. Ray C. Cole, town manager, Randolph, Vermont.

The following cities are contemplating the adoption of the city manager plan of government: La Junta, Colorado; Trinidad, Colorado; Louisburg, North Carolina; Pawnee City, Nebraska; El Paso, Texas; Los Angeles, California; and London, Ontario.

III. MISCELLANEOUS

The Sixteenth Annual Tax Conference will be held at the Greenbrier, White Sulphur Springs, West Virginia, September 24–28, 1923. It is hoped that readers of the REVIEW will arrange to attend and participate in the discussions.

⁂

International Cities and Town Planning Exhibition Being Held in Gothenburg, Sweden.—This year Gothenburg is celebrating the three hundredth anniversary of its foundation and to commemorate such an important event is holding a great jubilee exhibition. It opened May 8 and will close September 30. The exhibition is rich in material illustrative of the history and progress of the city. It is so grouped as to give the visitor a complete survey of the outward growth of the city and its inward development through the centuries. The main sections of the exhibition are the historical exhibit, the municipal exhibit, the Scandinavian art exhibit, exhibits of work of Swedes in other lands and a Swedish export display.

⁂

State Consultant on Housing and Planning.—Massachusetts has taken a forward step in town planning. One of the three states in the Union with a state department which has power to advise and assist local planning boards, it has been handicapped by the fact that it had no field worker. Authority has now been granted by the legislature to the department of public welfare to appoint a visitor to planning boards. To this position as a state consultant on housing and town planning the department has appointed Mr. Edward T. Hartman, who is a well-known authority in this field. Mr. Hartman has begun his duties which will include helping the local planning boards in their problems, encouraging the formation of new boards, and general educational and publicity work. An opportunity has been given Mr. Hartman to broadcast three talks on town planning from the Medford Hillside Radio Station as a beginning of the campaign.

⁂

The Dayton Research Association.—In March of this year, the Dayton Research Association was incorporated for the purpose of "promoting the welfare of the city of Dayton by collecting, compiling, and interpreting statistics for its social, charitable and governmental agencies." This organization is the successor of the Dayton Bureau of Municipal Research, which was organized in 1912 and which suspended its operations in January, 1918. It is the intent of the board of trustees, of which Dr. D. F. Garland, the welfare director of the National Cash Register Company and the president of the former Bureau of Municipal Research, is the head, to make this a fact-finding organization and to stress social research to a greater extent than is usually done by municipal research bureaus.

The Dayton Research Association will secure its support from the Dayton Foundation, a fund established by the late John H. Patterson, Mrs. H. G. Carnell and Robert Patterson.

Address 409 Lowe Building, Dayton, Ohio, Arch Mandel, Director.

NEW CHARTER PROPOSALS
FOR
NORWOOD, MASSACHUSETTS

Submitted to the Special Committee
on Charter Revision of the Citizens
Committee of One Hundred of Norwood

Introduction by
FREDERICK A. CLEVELAND

Outline draft and explanation of a concrete effort to improve municipal politics by bringing the government close to the people. It will be suggestive to all who desire effective citizen participation in local affairs

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FOREWORD BY THE EDITOR

The plan here proposed is novel to our experience and will arouse discussion. It has been prepared by Dr. Cleveland in co-operation with a sub-committee of the Committee of One Hundred of Norwood, Massachusetts. The present government of Norwood is the manager type adapted with modifications to the historic town meeting of New England. The present administrative structure (fully described in the author's introduction) is more complicated, with authority less centralized and greater reliance on administrative boards than is advocated by the National Municipal League. It has, however, given results in an administrative way gratifying to those who originally secured its introduction.

On the political side the experience has not been satisfactory. There is a growing feeling that the government is out of touch with the people. It is said that "the real control over town affairs has come to center in a few personal understandings"; that "there is no practicable way provided . . . for finding out what the people want." The town meeting has long outworn its usefulness in this respect. The city's affairs (including schools) are in the hands of five boards, four of these popularly elected with overlapping terms. Although, with the exception of schools, the bulk of administrative duties is in the hands of the board of engineering and safety which appoints the city manager, centralized responsibility to a representative political body is absent.

The reader must, therefore, bear in mind that the present proposals are directed wholly to the improvement of politics (as distinct from administration) in Norwood. They waive, for the present at least, all consideration to the administrative organization. They are to be judged as a means of enlisting greater participation by the citizens in local government. Unless this is kept clearly in mind, many of the proposals will have little or no significance.

The editor believes that this business of keeping the government close to the people is more important to-day than ever before. Skillful executives honestly striving to give non-partisan administration are apt to overlook this importance. The political machine, however, has not overlooked it. The machine prospers, not because it gives good administration, but because it keeps close to the lives, the hopes and fears, the tastes and prejudices of the mass of the people.

Opinions will differ as to whether the plan here set forth will secure the desired end. The author and the sub-committee invite the fullest criticism and we feel sure that the readers of the Review will appreciate the opportunity to study this somewhat startling scheme. Its publication is made possible by the financial assistance of the above mentioned sub-committee.

H. W. Dodds.

INTRODUCTORY NOTE

BY FREDERICK A. CLEVELAND

PRESENT SITUATION IN NORWOOD—GOVERNMENT NOT CLOSE TO PEOPLE

THE outline draft of decentralized-commission - manager - town - charter which follows has been prepared under the leadership of the chairman of a subcommittee, for consideration by the "Citizens' Committee of One Hundred" of the town of Norwood, Massachusetts. The purpose of the draft is to suggest a way of conserving all the very definite and considerable advantages which have accrued during nine years of experience under the existing charter of the town—at the same time to overcome some of the obvious defects.

THE EXISTING TOWN ORGANIZATION—THE INCORPORATED BODY-POLITIC

The town political organization, as it is to-day, is of two kinds: That which has developed under and pursuant to its corporate charter—the legal structure; and that which has developed outside — the unincorporated, voluntary, unwritten political arrangement.

Under forms of law and by numerous acts the existing town government is one in which the "administration" is conducted by five public service departments; viz.: Selectmen (engineering and safety); school; library; health; and relief.[1] Each of these departments of service is administered by an expert—its own separate manager—who is under the general direction of a separate board. The members of the first four of these boards are elected by the people with overlapping tenures of three years; the last one, the board of relief, is appointed each year by the board of selectmen. In addition to these there are four general officers: A moderator; a town attorney; a town clerk and accountant; and a town treasurer. The moderator and the treasurer are elected each year. The town attorney and the town clerk are appointed by the board of selectmen. A quasi-judicial board of assessors is appointed by the board of selectmen. There are two advisory commissions (town planning and finance), one-third of the members of which are elected annually. Twenty-five persons, officers and members of boards and commissions, are thus elected by the voters of the town,[2] nine are appointed by the board of selectmen;[3] and the whole organization is made accountable to the old type of town meeting which passes the budget and fixes the tax rate. The first four of the five service departments, each with its separate board and its own executive, are like separate corporations with a common membership which meets from time to time to consider questions of policy—at which times the town meeting has the benefit of independent advice and recommendation by its finance commission and town planning commission. The fifth, the board of relief, has its supervisor. In the use of this type of decentralized town organization, Norwood is now in its tenth year, so that it has a very practical basis for judgment as to the benefits as well as defects.

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[1] (What is called the charter is a special act of the legislature, Chapter 197 of the Laws of 1914 [March 18].)

[2] In a very real sense the town planning commission (or Mr. George F. Willett, its chairman), may be considered as the progenitor of the present form of official as well as the unofficial organization. On his motion in town meeting, a town planning committee was appointed by the moderator in 1912; in 1913 a special act of the legislature gave this body legal powers (Chapter 494, Laws of 1913). This was before the general law providing for town planning commissions in cities and towns of the state. The special law was amended in 1914 (Chapter 283, Laws of 1914); a general permissive act was passed in 1917; and the present general law making the election of such a commission or board compulsory in towns of 5,000 or more and permissive in smaller towns was passed (Chapter 41, Section 70, Laws of 1920). The present form of Norwood charter organization, and the present Citizens' Committee of One Hundred, may be said to be directly traceable to this leadership.

AN UNINCORPORATED BODY—THE "COMMITTEE OF ONE HUNDRED"

When considering the workings of government, the mechanisms and devices actually in use which exist outside the law must also be taken into account. The unofficial body, which brought the charter into being, has remained and has continued to function—a substitute for party organization. The movement which culminated in the legislative charter grant and in its subsequent adoption by the people, was headed by a man who had led in town planning and other civic interests of major importance. When the town organization was effected this same man refused to take a position in any of the five departmental controlling boards, preferring to continue his activities in town planning and the development of a civic center. He also remained a member of the Citizens' Committee of One Hundred. The continuing function of this self-appointed committee was to enlist and mobilize the outstanding leaderships of the town—to see that the new government was efficiently manned and carried on according to the original design. After the initial organization had been perfected, the Committee of One Hundred took upon itself each year the function of a nominating caucus; in this capacity it has continued to operate to the present time.

WHEREIN THE EXISTING CHARTER HAS PROVED A SUCCESS—NO ADMINISTRATIVE CHANGES PROPOSED

In all of his writings on administrative organization and reorganization, the present writer has urged the centralization of executive responsibility as preferable to decentralization. Therefore, he has advocated the centralized - commission - manager type of town government (and the responsible executive cabinet in state and federal government) as opposed to the decentralized "government-by-commissions" or the "Wisconsin-Idea." This preference, however, has not been

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[3] The twenty-five functionaries mentioned above at present chosen by the voters of the town at the "election"—as distinguished from the "town meeting" are: moderator, treasurer, five selectmen, three finance commissioners, six members of school board, six members of library board, three members of the board of health. The nine appointed or chosen by the selectmen are: town clerk, town attorney, three assessors, three members of board of relief, and town manager (head of the department of safety and engineering). Thus the "selectmen" whose chief duties are to control the policies of that department in which the "town manager" is executive (the department of safety and engineering), also exercise some of the remaining functions of the old board of selectmen, who were in fact the "executive committee" of the old town meeting. The other boards, including the board of relief, appoint their own executives, and the service personnel under them, for an indefinite tenure in which the "merit system" prevails. Our policy-determination, therefore, is by independent commissions—with unpaid members; our administration under "experts"; our service organized on a "merit" basis.

arbitrarily held—since he has taken the position that in favoring conditions either type of executive machine (the centralized or the decentralized) might be made to work effectively. But a further observation is to be made. *No matter how favoring the conditions, or how efficient the administration, neither the centralized nor the decentralized type could long satisfy the demands of a democratic people unless adequate provision were made for open-forum-deliberation-and-publicity in the representative branch.*

Administratively, the decentralized type has worked well in Norwood. For nine years it has been more than usually successful in enlisting the services of capable citizens in both the general offices and as members of departmental boards. Because this part of the machinery of public service as such has worked so well and the people are accustomed to it, no changes in the number or powers of general offices are proposed; and except in the controlling boards, no change is proposed in the organization of the service departments.

WHEREIN THE EXISTING ORGANIZATION HAS PROVED DEFECTIVE—THE POLITICAL SIDE

By way of preface to a statement of weaknesses developed in operation under the existing charter, one general observation should be made. It is assumed for this purpose that democracy is not interested in efficiency as such; that it is interested in efficiency only as means to the end of getting done what the people want done; but first, and above all things else, democracy insists that the people shall be consulted about what the people want in matters of government. Democracy insists on its right of self-determination; it insists that the people through their duly empowered agents shall decide to what purpose government shall be employed. A common understanding—the good opinion of the people—must be conserved; then and not till then are democratic communities interested in *efficiency*. It is of first importance, therefore, that means be provided for coming to a common understanding on matters of policy—for obtaining the good opinion of the people.

To this end the old-time town meeting was retained in the existing charter; and, by common consent, provision was made outside the charter for continuing the Citizens' Committee of One Hundred as a device to take the place of parties. A fundamental error was committed in this. *First*, the old form of town meeting can not possibly serve the end for which it was intended in a community like Norwood—this has been demonstrated. *Second*, an irresponsible committee can not continue long to retain the confidence of the community as a nominating caucus and general political steering agency—this conclusion has also been demonstrated.

LOCAL CONDITIONS DEMAND CHANGE

The citizenship of Norwood is now made up of many industrial, religious and social groups which constitute neighborhood or normal units of association quite as separate and distinct as were the old-time New England towns, altogether the electorate is made up of about 4,000 voters. On election day, once a year, from one-third to two-thirds of the voters manage to "drop in at the Civic" and ballot for officers—largely in response to personal appeal and by use of "runners" and other devices for "getting out the vote." The town meeting, which by law must finally pass on questions of general policy and finance, latterly has been attended by from twenty to fifty citizens (on some occasions as many as one hundred), in addition to officers and board members who are there to obtain support and authority. There has been increasing lack of interest in the town meeting, which has become as wooden as a marionette show—simply going through the motions of formal approval of practically everything proposed by the finance commission.

CONTROL IN THE HANDS OF A FEW—DISCONTENT GROWING

The real control over town affairs has come to center in a few personal understandings. There is no practicable way provided in the present plan for finding out what the people want. The community as an organized political membership body has no method of determining whether policies have popular support before decisions are reached and executed. In fact a public opinion on matters of town policy may be said not to exist. Normal associate groups in the town now serve only as "committees on rumor." Neighborly, like-minded groups are not utilized as units for the development of a unified community spirit through inter-group conference; there is no effective means of reconciling the interests of the existing bodies or constituencies with the interests of the town as a whole. The attitude toward the existing government, therefore, has been one of growing discontent—the common comment among dissentients being that "everything is cut and dried" and that "the average citizen has not a look-in anywhere."

DANGER IN THE PRESENT SITUATION

In this situation, it would seem to be only a question of time when this increasing discontent will result—as in many other places—in tearing down the system and setting up something else, in which still greater indifference may be shown for the underlying principles of democracy. The real danger has already been pointed out. Democracy insists first on the means of self-determination; and, by reason of this fact, an informed public opinion, together with a means of popular control which will conserve good-will, is the only sure foundation on which the institutions of to-day may be built. Without an effective means of insuring good-will, the more able the leadership, and the more efficient the executive organization, the more surely will the structure be pulled down. Everything in the end depends on good-will; even a benevolent paternalism depends on good-will.

Democracy rightly prefers mediocrity if the alternative is autocracy; and if no alternative is left except to choose between the efficient domination of one class which is numerically small, and inefficiency on the part of another class numerically large, the numerically large class must in the end prevail. This choice between evils, however, is a thing to be avoided. And in this situation, Mr. Willett again has taken leadership for a further development of the existing charter plan to overcome the obvious defects above described by moving in the Committee of One Hundred the appointment of a sub-committee on revision.

WHY THE OLD-TIME FORM OF TOWN MEETING MUST BE ABANDONED

First focusing attention on the most fundamental change proposed in the re-draft—the frank abandonment of the old-time town meeting and the substitution of the representative town meeting—let us reflect a moment on the reason for setting this time honored institution aside. Its primary functions were these: (1) Nominations and elections; (2) policy determination; (3) control over the purse. Already for obvious reasons, the electoral function (nominations and elections) had been taken out of the town meeting before the new charter was adopted nine years ago; the same obvious reasons make it needful to institute a representative body for the purposes of policy determination and control over the purse—deliberation, decision, dramatization of issues and popular appeal. Without an effective institutional means of policy formulation and discussion on the one hand and control over the purse on the other, a self-determining community cannot have confidence in the agencies through which it becomes conscious of common purposes and undertakes to realize them. In other words, the conditions now being unfavorable for the holding of town elections, making town decisions and enforcing them through popular assembly, this antiquated device is marked for discard.

THE OLD ORDER AND THE NEW

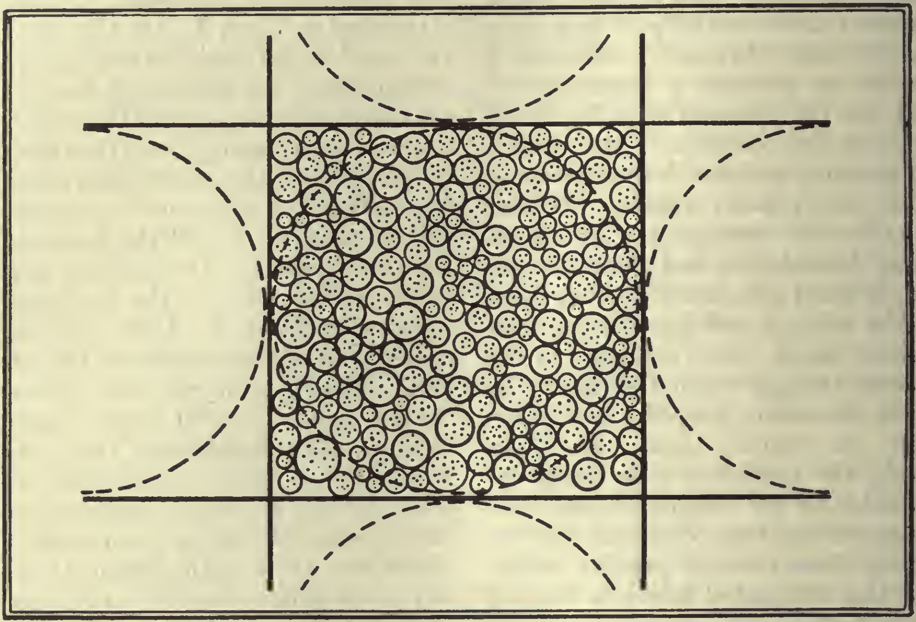
In considering the need for adaptation of our political institutions to present-day conditions of life, a first essential to sound reasoning is to realize that we are living in an essentially different world than that in which our forefathers lived. That environmental conditions have changed, we are constantly made aware. The extent of this change, since the days when the town meeting served so well our political purpose, can best be seen and understood when we picture Plymouth or Dedham, our primitive colonial prototype, as it was and then contrast this with the Norwood in which we now reside—a typical industrial town of our day. A difficult task to be sure! But the contrast may be made graphic if the society of the Pilgrims, to which we trace our institutional beginnings, is portrayed in cross-section—as a biologist would the microscopic structure of a life organism.

Such a cross-section for the Plymouth and Dedham of yesterday we have attempted in Chart I. On this chart, the small circles depict family groups, within which the individual members are shown as dots—some of the individuals within the family circles then being bound by blood-ties, others being bound by contracts of indenture as servants. Within these circles all the industrial life was organized. The enclosing large circle (broken line) is the Congregational church which at the time included most of the inhabitants; this was their broader cultural and philanthropic group. A still larger square, includes all the inhabitants; this represents that political organization effected by the Mayflower Agreement—the government with its town meeting. There were then, in the Plymouth colony, no separate economic or business groups; there were then no definitely organized, separate, fraternal, philanthropic and social groups; there was then no other church or broad cultural groups—in fact no other was permitted to exist. The normal leaders in the institutional life of the community were fathers—heads of families—who in turn determined the leaderships in church and town meeting. And then when other communities were established—at Duxbury, Situate, etc.—those who represented families in the town meeting, and in the church meeting, the fathers in each of these places, picked out those who would represent the community in inter-town and in inter-church assemblies.

THE OLD-TIME REPRESENTATIVE ASSEMBLY

The outstanding fact in this analysis of institutional relations is that the town meeting in these early days was

DIAGRAM SHOWING SIMPLICITY OF TOWN LIFE IN THE MIDDLE OF THE SEVENTEENTH CENTURY



LEGEND: The small circles with included dots, represent families—the kindred and economic groups; the large circle represents the church—the religious cultural group; the square represents the town—the politically organized group.

NOTE: It was in this type of kindred, industrial, social and cultural institutional complex that the town-meeting served as a means of harmonising the several groups which made up the structure of the community. The means employed was that of constituting each family a constituency, whose head was charged with the responsibility of representing it and its interests in the deliberative, determining council—the town-meeting. More strictly speaking, in order to insure capacity for judgment and moral qualifications, only heads of families who were members of the Congregational Church could be members of the governing body—and later the property qualification was added. The heavier lines above are to indicate the effect of this added limitation.

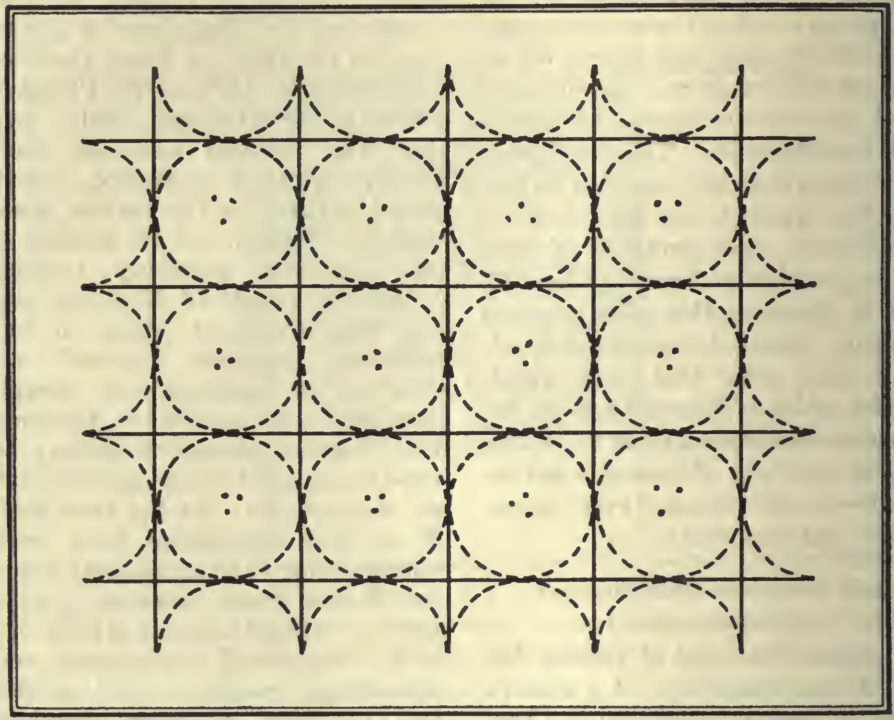
CHART I

an assembly of representatives of normal, constituent family groups, held together by blood ties and by contract. The inter-town and inter-church assemblies—made up of the representatives of local political and religious groups—were chosen by the underlying social and economic groups; and both the town and inter-town assemblies were made up of persons who stood in intimate relation to normal basic constituencies. The constitution of inter-town society as thus organized, the broadest and most complex institutional super-structure of that day is graphically shown in Chart II. And in character this same essential structure remained—continued in effect — until after that new organic impulse which is known to us as the Industrial Revolution came to express itself in new form of economic and social life—in institutions of ever increasing size and complexity.

OUR NORWOOD—THE MODERN INDUSTRIAL TOWN

A graphic protrayal of present day institutional complexity, of a modern industrial town is attempted in Chart III. This is a cross-section of Norwood to-day which may be compared with Chart I—the Norwood (Dedham) or Plymouth of yesterday. For this purpose the same symbols are used to represent the family—it being noted, however, that on this chart little of the field is overcast, only a few of the 3,000 or more families within the enclosed area being shown. Solid lines are also used to represent various economic associations, because out of the family circle these have come—both the employer and employee organizations; these lines represent institutions which are our new ways of getting a living. Some of these as they exist in our modern towns are only segments of world-institutions doing business in the town (such as Winslow Brothers & Smith, The American Brake Shoe, and the Morrill Ink Works); other economic institutions are more local in organization but still depending quite as much on outside business connections for disposition of output (such as the Plimpton Press, the Norwood Press, Bird & Sons, the Plimpton Foundry, the Holliston Mills); and still other business concerns, much smaller than those mentioned, depend almost entirely on the outside world market. Through one or another of these broadly organized business groups the people of Norwood now gain their livelihood. Many of the nationally organized "unions"—associations of employees—are present, each with just as definite structural lines of group association as may be found in organization for capitalization and management. As has been said, all of these institutions have been separated out of the economic home life. Beside these economic groups there are literally myriads of religious, social, educational, recreational and philanthropic institutions and associations (a dozen or more churches; Civic Association, Girl Scouts and Boy Scouts; Red Cross and Y. M. C. A. Elks, Masons, Odd Fellows, Knights of Columbus; national societies such as Caledonians and Lithuanians; patriotic societies such as the G. A. R., D. A. R., S. A. R., W. R. C., V. F. W., A. L., etc., etc.) within which are developed normal, friendly, confidential relations. The old structure, as shown by Charts I and II, was as simple as a geometric lace pattern; compared with a cross section of our modern society—which, if all the existing associate relations were shown, our modern industrial society diagramed and charted as above—would look like a piece of mixed-felt.

DIAGRAM SHOWING THE SIMPLICITY OF THE PROBLEM OF MAKING THE REPRESENTATIVE ASSEMBLY A FITTING INSTRUMENT FOR RECONCILING INTER AND INTRA GROUP LOYALTIES OF THE COLONY



__NOTE__: So long as the members of the town-meetings were the duly constituted attorneys or representatives of kindred groups, which also constituted the economic and philanthropic units of th commonwealth—other than those taken over by the parish and the town—and these were also reconciled by the qualifications prescribe both for electors and elected, it was a simple matter to agree on attorneys to represent the interests of local communities in the general court or colonial assembly, in a manner which was consistent with continuing confidence and good-will. If we project in imagination the family groups which constitute or are included in the towns the above may be taken to illustrate the whole institutional structure before the industrial revolution put it stamp on our modern democratic society.

CHART II

THE PURPOSE OF POLITICAL ORGANIZATION

Assuming that the reason why all these institutional relations exist today is that they have been found serviceable, recognizing that they have been the result of a broader conception of liberty, of equality, of Christianity, of democracy, logical approach to our problem requires that we distinguish in this complex the purposes or service ideal of political organization. In considering the relative value of these institutional ties we are dealing with the most compelling problem of democracy. The most fundamental, far-reaching question before us in municipal (as well as state and national) organization is: How may we provide the means of reconciling our service group loyalties? Is not this the purpose of political organization? If it is, then obviously, where popular assembly is impracticable, this can be done only by conference of representatives of normal, friendly, neighborly groups, which have the confidence of their respective constituencies. The primary problem of political organization in a modern industrial democracy such as ours then resolves itself into the adoption of an electoral-representative system based on constituencies which know and trust each other and who know and trust those which sit in conference to reconcile their group loyalties to the larger interests and purposes of the community as a whole.

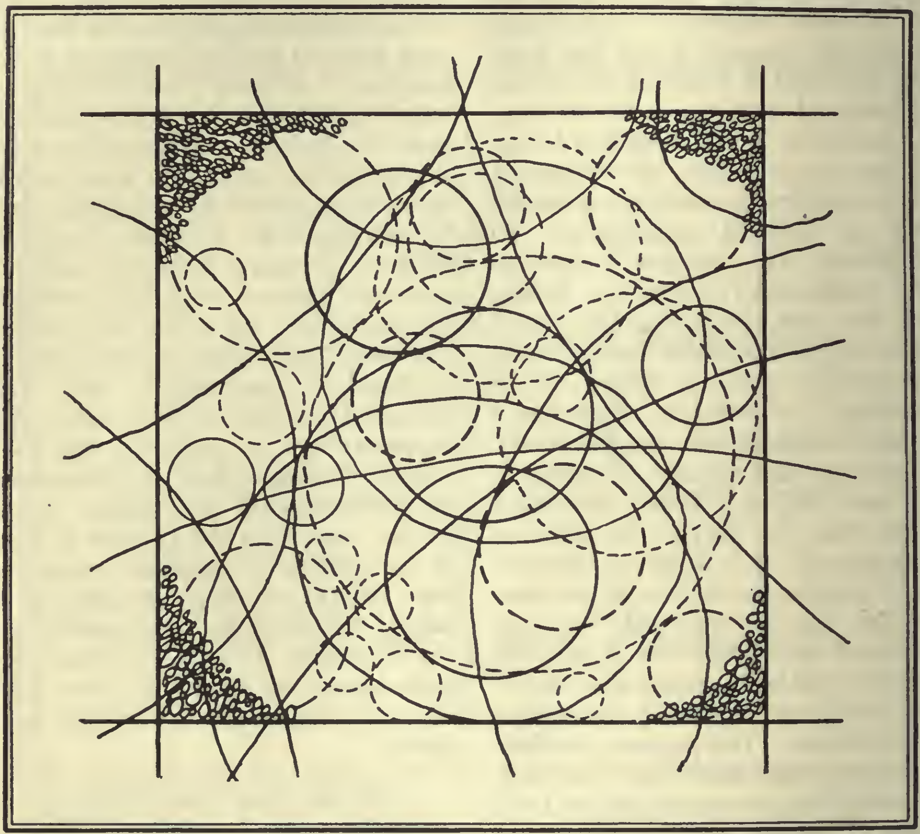
LIKE-MINDEDNESS THE BASIS FOR REPRESENTATION

Concretely stated, our problem is to find out how we can establish relations of confidence—good-will—between real, normal, like-minded constituencies, and those to whom they look as their attorneys to represent them in reconciling group differences. The old solution in Dedham and Plymouth was to erect families as constituencies for the purpose of representation in the town meeting—their common council. And our modern democracies have finally come forward with an answer to their problem—a solution by which representation may be based on like mindedness, by which the representative now as of old may be one who is entrusted by a constituency held together by ties which bind. It is this solution which is proposed here—the system commonly known as "proportional representation," by which the group relations of an underlying complex of like-minded constituencies may be reconciled in friendly conference of representatives so organized and ordered in their procedure of deliberation and decision that conclusions when reached may have the support of the whole politically organized community. By the adoption of this principle may we not have the same confidence and good-will in our institutional arrangements as existed in the old-time town meeting and colonial assembly?

HOW TO MAKE "ELECTORAL-REPRESENTATIVE-SYSTEM" EFFECTIVE

Nearly all the political machinery evolved during the last seven centuries has been the product of efforts to make an "electoral-representative-system" effective for doing the work which normally goes on with little or no machinery in a forum in which all the parties in interest can be presented, as for example in a court or a popular assembly. When the folk-mote could no longer function in England, constitutional government began; when the town meeting could no longer be effective, due to the size and complexity of New England community organization there was a beginning

DIAGRAM SHOWING THE COMPLEX INSTITUTIONAL LIFE OF A MODERN INDUSTRIAL TOWN IN NEW ENGLAND



__LEGEND__: The small circles, indicating family groups have been drawn in only the corners of the graph; solid lines indicate economic groups; broken lines indicate churches; the dotted lines indicate fraternal, philanthropic associations.

__NOTE__: In the older type of institutional structure (Chart I), it is to be noted that all the groups (family, church and political) are exclusive; these still remain such. But there are myriads of new organizations whose lines of cleavage intersect family, church and political boundaries. Each of these have developed new loyalties; organization now overlaps organization; town, county, state, nation, the world, has been felted and drawn together by interests which gives to us a new problem of constituency and representation. And each member of the family may find himself bound by an entirely different set of interests.

CHART III

of a new era in our political life—first of neglect of the principles and ideals of democracy and of degradation of our public service to serve the ends of exploiters, then of invention of the means designed to re-establish the principles of democracy in institutions adapted to the new social economic and political order.

During the last hundred years much experience has been gained through experimentation. Scores of institutional adaptations have been proposed and many have been tried out after expensive and persistent campaigns of education. Each of the reform measures which have received popular support have had merits if properly applied and adapted. But many of them have failed because attention was centered on a part, and its relation to the whole was overlooked; either too broad claims were made for each particular device as it was being put on the market or the necessary and complementary adjustments were left out of account. In fact the common fault of public appeals of this kind has been that the proponents have failed to consider the limitations of new devices —the adoption of the particular part advocated being thought of as an end in itself. From these experiences we have come to know that an institution is not merely "an assembly proposition"—that it is a thing of many specialized organs, the welfare of the whole depending on each organ supplementing and co-operating with all the others. We have come to know that practical judgment must be a composite; that there must be like-mindedness; that group self-determination depends on mutual agreement with respect to the service ends to be achieved; that there must be agreement also with respect to the human agencies to be employed for achieving desired ends; that following these agreements, there must be direction and discipline so administered that specialized actuating groups may work for the achievement of predetermined ends, and that all together they may co-operate in thought and deed.

To restate our problem: The public services to be rendered in the present case are assumed to be those and those only which are now being carried on under the existing departmental boards of the town of Norwood; incidentally there are other services—those of supply and custodianship—which are now being performed by the existing officers of the town of Norwood; as has been said, the proposed modifications of the charter herein outlined have to do chiefly with the mechanism of control over these existing service agencies by which the people of Norwood as a self-determining political group operate. These are of three kinds: the electorate; the general officers, as custodians; and a central representative body with decentralized departmental controlling boards. These assisted by two advisory commissions (one constructive and the other critical) may dominate their enterprise and hold their administering servants to account. The several known defects in the existing institution and the devices proposed for overcoming them are as follows:

The device which is proposed to make the policy-determining body truly representative of 100 per cent of the electorate and arranging them by constituencies to be represented is *proportional representation*.

The device which is proposed to enable the *representative town meeting* to serve the community effectively as its deliberative organ, is an organization within it and a procedure for *intelligent criticism as well as constructive planning*.

The device which is proposed to

enable the electorate to give voice to assent and dissent to decisions reached in the representative body with full information, is *open forum discussion* of policy and finance.

The device which is proposed for relieving persons in position of corporate trusteeship from the necessity for compromise with persons who are playing politics, is to *take the business of government out of politics*—to make the general corporate offices and administrative positions of leadership non-political—requiring that all questions of policy, in relation to which general or administrative officers may be called on to act in advisory relation, shall be discussed in the open and depriving those in executive position of a vote.

The devices proposed for making the administration efficient are: the *commission-manager idea* (decentralized to meet local conditions), the selection of the controlling department boards by the town meeting, charging each of these boards when appointed with the preparation of plans and a budget to be approved by the representative body—charging each with the employment of an expert as the managing head of the departmental service—and the application of the *merit system.*

The devices proposed, for centralization of responsibility of the elected to the electorate, are the *short ballot;* the organization in the representative town meeting of an executive committee made up of the majority leader as chairman and the chairmen of the several departmental boards; the organization in the town meeting of a critical *committee on audit and review* made up of a personnel chosen to perform this function within each department; the appointment of a *town planning commission,* advisory to those in constructive leadership; and the appointment of a *finance commission* advisory to those who are charged with critical leadership in the representative town meeting.

The devices proposed, for enforcing accountability in positions of trusteeship, are *impeachment, removal* after judicial inquiry and *recall;* and in policy determination, the *initiative* and *referendum.*

The devices proposed for vouchsafing integrity of operation of the charter (as a plan for insuring open forum deliberation, responsiveness of the town meeting to public opinion, and the continued confidence of the people) are *open direct nominations.* To give to citizens and non-official groups the right of *petition and remonstrance* with opportunity to be heard and to place the proceedings of the town meeting under a non-partisan presiding officer. The device is a non-political elected moderator.

UNORTHODOXY OF PROPOSALS—ADAPTATIONS TO TYPE

Most of the devices proposed are well known to citizens. In them there is nothing new, in principle at least. But in proposing each, special thought has been given to its adaptation. As has been said, Norwood's charter is a decentralized-commission-manager type. Because its charter is of a decentralized type, in applying the specific devices noted above, little of the logic which has been used in developing and discussing the advantages of the "orthodox" or centralized type of commission-manager government is applicable.

Because it is proposed that each representative should act as and for a small group of neighbors (persons who could meet together with their representative), neither the Hare system nor the List system of proportional representation could be used without modification to suit the specific plan and type. Of the two, it is thought that the principle of a single transferable ballot, the Hare system, could serve better.

Other well-known devices are specifically adapted for obvious reasons. Only two are new to town organization, viz.: the device here proposed for nominations—which is a combination of plans heretofore tried out; and the device proposed for open forum deliberation—which though new to us in principle at least, is as old as parliamentary procedure. Because no existing plan of nomination so far used has worked satisfactorily, this new combination method is proposed.

Because no procedure has been in use in town government for insuring open forum deliberation which is adapted to a full and free discussion of questions of public policy after adequate preparation and with able leadership, the procedure, fully described below, has been suggested, in which responsibility for its faithful enforcement is definitely located in the moderator. This proposal has a very definite experience back of it in parliamentary usages as developed in other countries.

DISCUSSION OF PROPOSALS

The proposals as outlined have not yet been laid before the Committee of One Hundred, for two reasons: Charter amendments will require legislation and the plan cannot be put before the Massachusetts legislature before next January; the sub-committee has sought to obtain the advice of specialists and national societies interested in the promotion of different devices for the improvement of town organization before submitting a draft for discussion by the people of Norwood. Already the outline draft has been modified in many particulars as a result of correspondence and conference with students of government, secretaries and other officials of civic bodies. It is in response to request for publication coming from several sources, and in the hope that further helpful discussion will result, that the draft appears in this form. Inquiry, criticism and constructive suggestion by readers of the NATIONAL MUNICIPAL REVIEW is therefore invited by the sub-committee.

OUTLINE DRAFT OF PROPOSED CHARTER

[This is intended as an outline sketch of charter only, with explanatory notes. Its purpose is to give to the reader a comprehensive view of what this particular type of town organization would be, as an adaptation of an existing structure, if the proposed charter changes were adopted. The structural part which is new (aside from the substitution of the representative town meeting for the old form) is shown on Chart IV. This has to do entirely with the organization of the representative body. As is pointed out there are two essentials to policy determination; viz.: constructive planning and critical review and discussion of plans proposed. It is to provide the instrumentalities for those two essential processes that the new parts are added. The other structural changes proposed are in re-arrangement of existing parts to adapt them to the new design. What this re-arrangement would be is shown in Chart V. This graphic, it will be noted, is divided (from top to bottom) into three parts. In the bottom section the existing service organization is described. The five departments there shown (the "administration") are the existing motor parts of the local political machine. The two sections shown above (the first and the second) constitute the proposed mechanisms of control. These are the electorate, the general officers and the representative body. Each of these have specialized controlling functions, but as in mechanical devices, each controlling mechanism should supplement and co-operate with the other. Because all the changes in detail follow from the introduction of the "*electoral-representative*" principle of control as a substitute for the representative town meeting in place of the old type of popular assembly—Chart VI has been prepared. The aim of this chart is to aid the reader in visualizing the physical arrangement of those two controlling mechanisms which stand in between and therefore must "engage" the electorate on the one hand, as the *prime controller,* and the several departments of administration on the other as the motor parts. The general officers are controlling devices which were worked out by autocracy and have for their function guardianship. These have been taken over by democracy as needful to the administration of a trust. But unless the *electorate* can be made effective, the distinctive purpose of democracy—popular control—would be lost. It would be just as well to go on with the make-believe town meeting which we now have as to introduce a representative body which was not representative, or, being representative, had no adequate means of defining and settling issues in a manner such as would keep the electorate informed. The problem is to make the electorate and representative town meeting together do what the popular assembly did when the town was a small, simple, neighborly community, most of whom attended the Congregational church on Sunday and went to town meeting even more religiously. The problem is one of popular control—to make the proposed representative town meeting an effective organ of deliberation and publicity, without imparing *ability in leadership, fidelity* in custodial office, or *efficiency* in the several departments of administration. The whole organization must be considered as a device for administering a trust in such manner as is consistent with the desires of

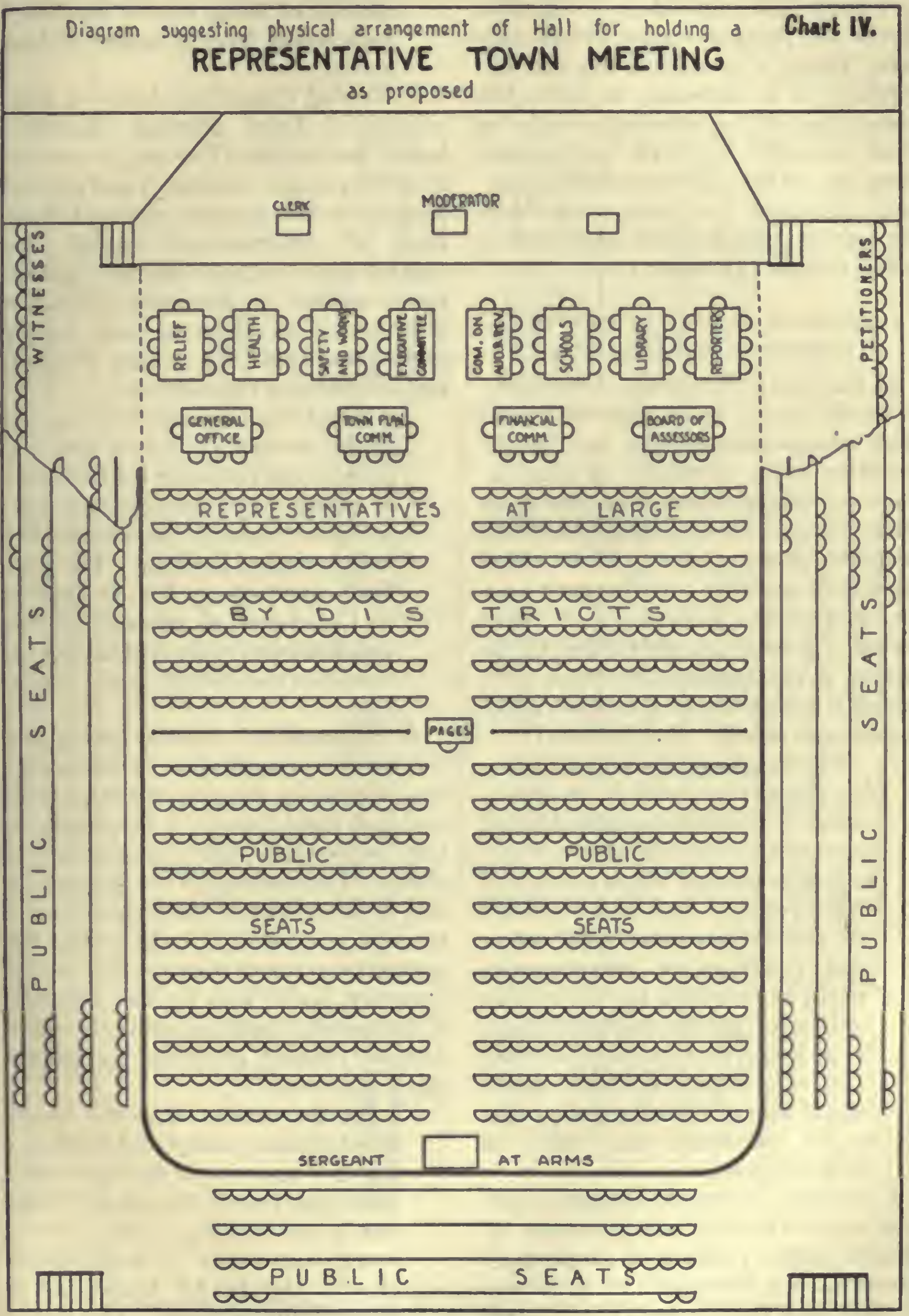


Diagram suggesting physical arrangement of Hall for holding a
REPRESENTATIVE TOWN MEETING
as proposed
Chart IV.
CLERK
MODERATOR
WITNESSES
PETITIONERS
RELIEF
HEALTH
SAFETY AND WORKS
EXECUTIVE COMMITTEE
COM. ON AUDIT & REV
SCHOOLS
LIBRARY
REPORTERS
GENERAL OFFICE
TOWN PLAN COMM.
FINANCIAL COMM.
BOARD OF ASSESSORS
REPRESENTATIVES AT LARGE
BY DISTRICTS
PAGES
PUBLIC SEATS
PUBLIC SEATS
PUBLIC SEATS
PUBLIC SEATS
SERGEANT AT ARMS
PUBLIC SEATS

Chart IV

beneficiaries. Because the representative body as a controlling device, if it serves its purpose, must reach into every phase of municipal life and experience, it is necessary to have the whole plan of organization clearly in mind in order to think intelligently about any of the problems of incorporation—therefore the charts—therefore the general outline of organization which follows as Section I.]

I. GENERAL OUTLINE OF PROPOSED CORPORATE ORGANIZATION

1. *Electoral Functions—Constituencies and Popular Assemblies.*—For purposes of representation in the "representative town meeting" a constituency, as distinguished from the town electorate as a whole, to consist of forty qualified electors, who join in electing a representative, or who may meet for conference, discussion, or other action. Action by electorate to be limited to nominations, elections, petition and remonstrance, initiative referendum and recall. (See Section II.)

> The functions of the town meeting being transferred to an electorate, whose duties would be limited as described above, and to a representative council, it is not assumed that popular assemblies would thereby be done away with; rather that meetings of constituencies would be frequent, for the consideration of public questions; that these would more usually take the form of "parlor caucuses"—meetings of normal friendly groups who might constitute the units of representation.

2. *General Corporate Officers*—persons elected to serve as guardians of charter rights, trustees of proprietary interests, and custodians of corporate records and funds. For list of such officers see below Section III.

> These would be the same general officers as are now elected; but, instead of being chosen annually, each would have a tenure of four years.

3. *Central Controlling Body—a Representative Town Meeting* described below (see Section IV et seq.)—responsible for general ordinances and general policy; for the number, size and functions of departmental boards and central advisory and critical commissions—subject to referendum; for the selection of members of such boards and commissions; for raising revenue, and authorizing expenditures.

> This is the only new part proposed in the revision; it would take the place of and take over the functions of policy-determination and control over the purse exercised by the old-time town meeting. The electoral function so far as applied to the choice of general officers, and final determination on appeal would be transferred to the electorate.

4. *Departmental Boards* (see below Section V)—responsible to the representative body for departmental policies and regulations; for leadership in the preparation and submission of plans and estimates; for the adaptation and development of the public service to meet community needs within the authority granted them by the representative body; and for the selection of technically qualified administrators with an efficient personnel to execute plans approved.

> At the present time the board of selectmen (safety and engineering) is composed of five members, three years each; the school board has a membership of six; the library board has a membership of six; the health board has a membership of three. The members of each of these boards have overlapping tenures of three years.

CHART V: Showing organization and suggesting procedure of the Representative-Town-Meeting to provide for intelligent planning and criticism of the administration of the several departments of public service.

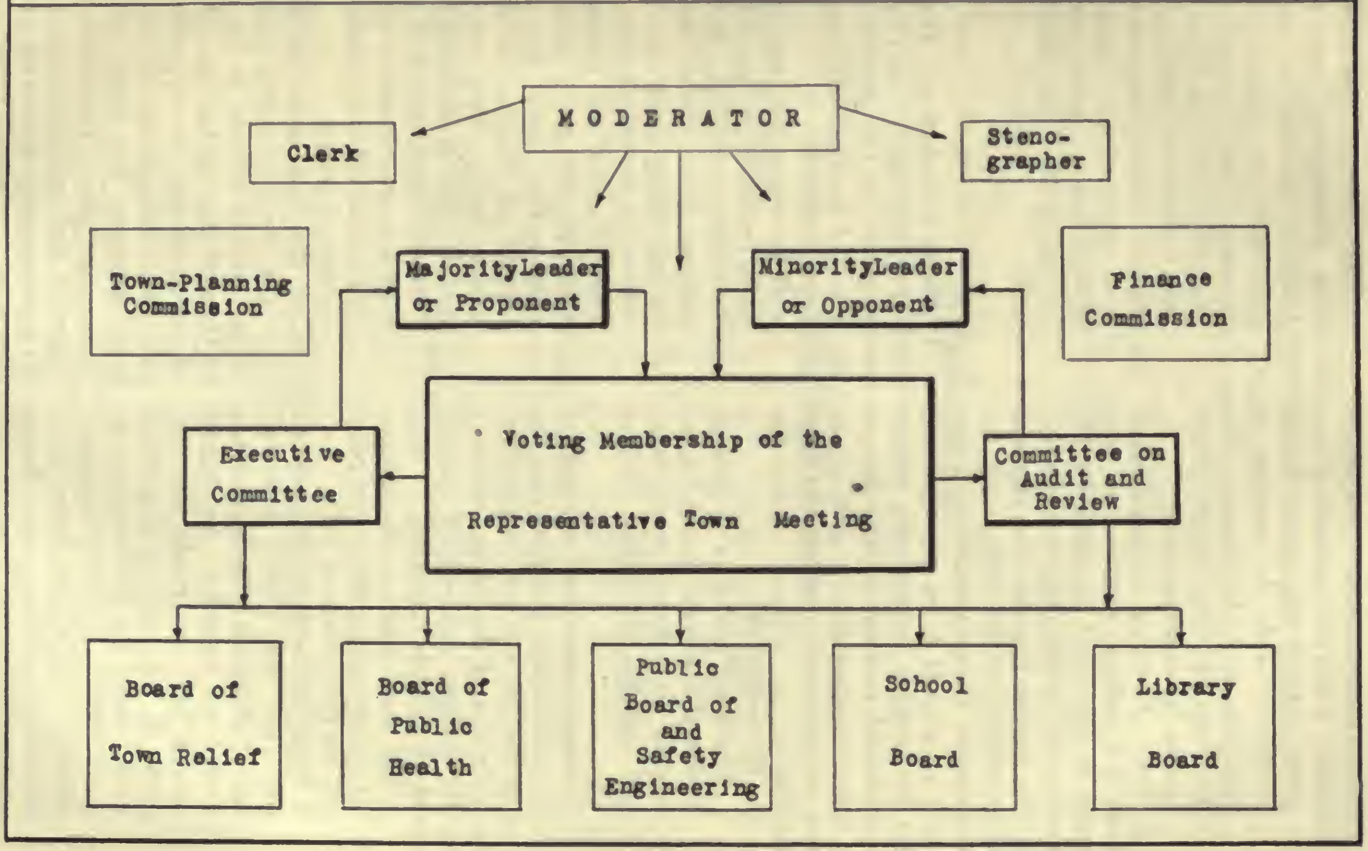

MODERATOR
Clerk
Steno-grapher
Town-Planning Commission
MajorityLeader or Proponent
MinorityLeader or Opponent
Finance Commission
Executive Committee
Voting Membership of the Representative Town Meeting
Committee on Audit and Review
Board of Town Relief
Board of Public Health
Public Board of and Safety Engineering
School Board
Library Board

CHART V

The board of relief has a membership of three with a one year tenure only. While for purposes of majority and minority representation in three boards the number of members would be changed, the functions of each board would remain the same as initially.

5. *Town Planning Commission*—a board for critical examination and report on plans and proposals for the development of the public service so far as this has to do with the physical improvement of the town, and for independent recommendations, in relation to general town development; also for making constructive recommendations for charter or other changes in corporate organization and procedure with a view to making the town organization an effective device for serving the community.

The same board as at present except the powers would be enlarged. For choice, composition and powers, see below Section VI.

6. *Finance Commission*—a board for critical examination and report on the finances and the acts and proposals of administrators of the public service—and for making independent recommendation in relation thereto.

The same board as at present; for choice, composition and powers, see below Section VIII.

From the above it is to be noted that the only new governing agency proposed is the representative town meeting. As before pointed out, this would take the place of the old town meeting which, since the introduction of the "decentralized-commission-manager" plan, has been little attended—decisions now being reached beforehand *in camera* between the general corporated officers, the administrative boards and the finance commission. The further new features have to do with making the town meeting truly representative, and with providing an organization and procedure such as will enable representatives and voters to act with deliberation based on knowledge. Therefore proposals for direct nominations; proportional representation; open forum deliberation, etc. See Section VII–XIII.

II. NOMINATIONS AND ELECTIONS

1. *Elected Personnel and Their Tenures—The Short Ballot.*—a. The elected personnel to be the general officers, the board of assessors, representatives and their alternates.

If it seems best, the assessors could be chosen by the representative town meeting. But there appears to be good reason for having them and the general officers so elected as they should be kept out of the political alliances of the policy-determining group; they and the general officers are in the nature of a safety device; they are to be charged with trusteeship for records and funds, and with general corporate guardianship, while the representatives are wrangling over matters of policy.

b. At the first municipal election after the revised charter goes into effect, general officers to be chosen by the electorate for tenures as follows: Mayor-moderator, four years; town clerk and accountant, three years; town treasurer, two years; town attorney, one year. Thereafter as the tenure of each general officer expires, his successor to be elected for a term of four years. A board of five assessors would also be chosen altogether for a three-year term, by proportional repre-

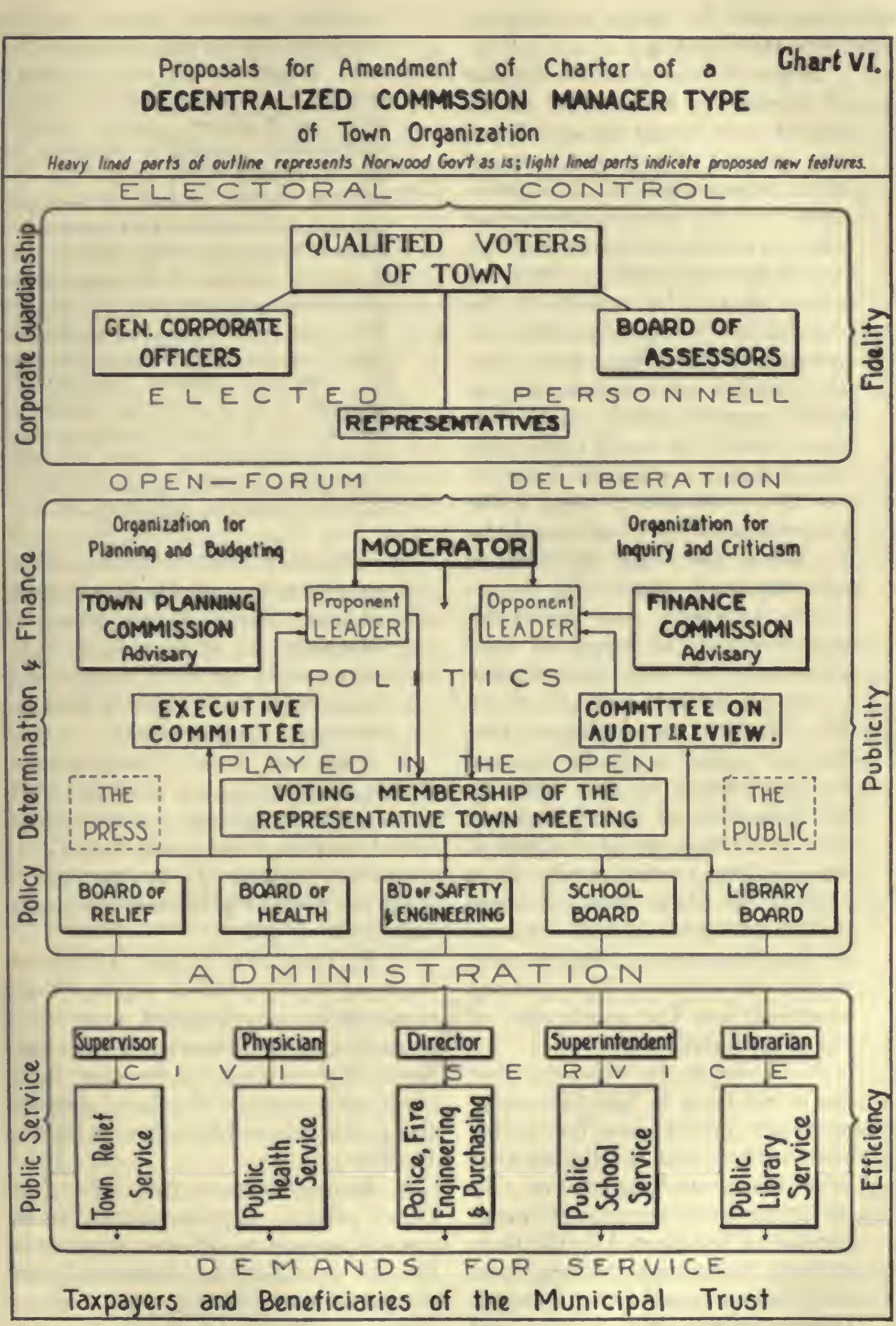


Chart VI.
Proposals for Amendment of Charter of a
DECENTRALIZED COMMISSION MANAGER TYPE
of Town Organization
Heavy lined parts of outline represents Norwood Gov't as is; light lined parts indicate proposed new features.
ELECTORAL CONTROL
Corporate Guardianship
QUALIFIED VOTERS OF TOWN
GEN. CORPORATE OFFICERS
BOARD OF ASSESSORS
ELECTED PERSONNELL
REPRESENTATIVES
Fidelity
OPEN—FORUM DELIBERATION
Policy Determination & Finance
Organization for Planning and Budgeting
MODERATOR
Organization for Inquiry and Criticism
TOWN PLANNING COMMISSION Advisary
Proponent LEADER
Opponent LEADER
FINANCE COMMISSION Advisary
POLITICS
EXECUTIVE COMMITTEE
COMMITTEE ON AUDIT & REVIEW.
PLAYED IN THE OPEN
THE PRESS
VOTING MEMBERSHIP OF THE REPRESENTATIVE TOWN MEETING
THE PUBLIC
Publicity
BOARD OF RELIEF
BOARD OF HEALTH
B'D OF SAFETY & ENGINEERING
SCHOOL BOARD
LIBRARY BOARD
ADMINISTRATION
Public Service
Supervisor
Physician
Director
Superintendent
Librarian
CIVIL SERVICE
Town Relief Service
Public Health Service
Police, Fire Engineering & Purchasing
Public School Service
Public Library Service
Efficiency
DEMANDS FOR SERVICE
Taxpayers and Beneficiaries of the Municipal Trust

CHART VI

sentation, with the single transferable vote (the Hare system).

Normally, therefore, the number of names for which each elector would vote would be as follows: one general officer; one assessor; and a representative. It is probable that the general officers and assessors who proved satisfactory would be continued in office for many years. In any event the candidates would probably be persons well known. And since the number of votes needed to elect representatives and alternates would be small each voter would have a sense of nearness to the controlling body. The representative and voter would be in much the same relation of attorney and client. In former drafts provision was made for representative at large (of constituencies of 150) and district representatives (of contituencies of 50). It has been thought that the same end would be reached by application of the principle of "proportional representation" with constituencies of a quota of 40. Either would result in a council of about 100 members if all the electorate voted—reduced by just the extent to which voters stayed at home. The present proposal has the advantage of the short-ballot.

It is also to be observed that we would have in fact two representative bodies; one for assessments; the other for the exercise of general controlling powers. By giving the board of assessors a membership of five elected by the Hare system, every considerable town wide interest could be represented. Quoting from a letter on this point from Mr. Hallett of the Proportional Representation League:

> In line with the ancient sentiment "Taxation without representation is tyranny," it seems desirable that the board of assessors, which is made responsible for all valuations of property, should contain a representative qualified to safeguard the interests of each voter, whether he votes with the majority or not. A thoroughly representative body can be trusted not to sacrifice the interests of the whole to those of any one section. If, for these reasons, proportional representation is adopted, there is no need for overlapping terms of office: if members are encouraged to stand for re-election, sufficient continuity of personnel is assured by the method of election. On the contrary, adequate representation of all elements cannot be secured unless more than two—preferably five or more—are elected together at one time.

Another reason for the three-year term proposed is that it would require about three years to complete a re-assessment program, after which the membership *might* well be brought before the electorate for judgment.

2. *Open and Direct Nominations.*—Three ways in which persons whose names are to appear on the official ballot may be nominated, viz.: (1) by operation of law; (2) by nomination from the floor at a special town meeting; (3) by petition.

a. *By operation of law:* All incumbents of elective offices whose tenures expire or have terminated, representatives and their alternates to be nominated for re-election by the town clerk, as a matter of official duty, in the manner described below in Section II, ¶ 3

b. *By nomination from the floor:* Other persons may be nominated for general corporate officers, representatives by vote of not less than one-fourth of the members of the town meeting, sitting as described below:

Normally the town meeting would thus constitute a caucus for

> the nomination of candidates for general offices in opposition to incumbents; it would therefore be well to permit one-fourth the membership to nominate. The only use which would be made of the right to nominate representatives and alternates, would be to insure the nomination of persons desired as leaders—which would seldom be required, since leaders would usually be members and therefore would be nominated by the town clerk as above.

c. *By petition:* Nominations by petition to require the signature of 100 qualified voters for corporate officers, and 20 qualified voters for representatives and alternates—each petitioning constituency to have a right to representation on the floor when nominations are under discussion (see below Section II, ¶ 3, part 6), said representative to be designated in petition or in default thereof by consent of the majority voters of the petitioners present at the caucus meeting

> A candidate for representative with a full quota of supporters might not have a full quota who would be in a position to support him publicly. A reasonable provision, if one seems needed to keep the names of hopeless candidates off the ballot, would be to restrict each voter to the signing of one petition for each office.

3. *Town Meeting to Sit as Nominating Caucus.*—Not less than two or more than four weeks before each election a special representative town meeting to be called to sit as a nominating caucus over which the moderator would preside and the town clerk would act as secretary.

a. All nominations to come before the caucus for discussion.

b. The following to be among the items in the "Order of Business" on the calendar of the town meeting sitting as a nominating caucus:

(1) Reading by the town clerk of list of persons in nomination by operation of law;

(2) Withdrawal of names by incumbents who do not consent to stand for re-election;

(3) Reading by town clerk of list of persons nominated by petition;

(4) Nominations from the floor;

(5) Discussion of nominations for each office or position to be filled in turn following the order of the official list as presented by the town clerk under rules announced by moderator if not previously determined by ordinance;

(6) Balloting on nominations made from the floor to determine whether said nominees have the necessary support in the town meeting caucus to entitle them to be placed before the electorate.

4. *Publication of Results.*—The town clerk to publish for the information of the electorate all nominations thus made, within one week after special town meeting. Voting not to be limited to the names appearing on printed ballot; other names may be added by the voter when preparing his ballot, by use of stickers or writing in.

> One of the most dispiriting aspects of our public life is the condition in which an elected servant finds himself, after giving to the public the best that is in him, when by act of a political boss, or through some kind of jockeying or trickery, or machine rule, he finds that his name has been dropped from the list—with no thanks, no questions asked, and no way of knowing what is charged against him or of facing accusers and malcontents. If he has conscientiously taken a position which has exposed him to covert attack and aroused secret opposition, the controversy

should be brought into the open. The more ancient view of an election was that it was a chance to turn men out of office. This went along with the idea that government is a necessary evil to be abated, by the process of "rotation." But since we have come to look to the government for *service*—as our most important service agency—an election has come to be regarded as an appeal to the electorate for support of existing responsible leaders and the policies for which they stand. The corollary of this assumed purpose of an election would be to permit the electorate—after deliberation, with full knowledge of facts and after listening to the arguments of opponents — to choose to withdraw support and give it to someone else. The only way to get rid of trickery in politics as well as business is to insure to the honest straightforward person a square deal. In the public interest, therefore, the faithful employee should always be considered as a candidate unless he withdraws his name—the faithless should be fired by the employer not by the crowd looking for his job.

Nominators by petition should be given opportunity to enter into discussion of issues and the fitness of nominees at the special meeting, or caucus, described above. And in case a question of policy on which representatives have taken sides is in issue, opportunity should be given to the minority as well as the majority to present the names of candidates to go before the electorate. Above all the official nominating procedure should be one which admits of discussion of the claims to the support of all candidates, in open forum, for the information of the electors.

Thus the nominating caucus would be one of the two occasions on which the business of the community could be fully gone into and dramatized; the other occasion would be when the budget as the service program of the newly elected leaders would be presented —provision for which is suggested in Section VIII below. An open forum procedure for deliberation is a thing that has many times been urged in appeals for public support when new methods of nomination have been proposed—such as have given rise to the old form of caucus and the "convention"; but neither the caucus nor the convention has been taken seriously enough by the public to make either of them an effective part of the governing process. Neither has been placed strictly under guardianship as have our legislatures and courts; yet the decisions to be reached through them are of supreme importance. These are among the reasons which are urged for some such nominating procedure as above.

5. *Election of Representatives and General Officers.*—All elections to be conducted according to the preferential system of voting known as the "single transferable vote" or "Hare system"—each voter being required to indicate his preferences on the ballot for each type of office to be filled by means of figures (1, 2, 3, etc., placed opposite the names of as many candidates for each office as he wishes, whether regularly nominated or indicated by "stickers" or "written in.")

a. *Election of General Officers.* The Hare system to be used as "a system of majority preferential voting" for all offices to which a single person is to be elected. If no candidate receives a majority of first choices, the candidate lowest on the poll would be dropped, one at a time, and their ballots transferred to the next choices marked on them for candidates still in the running, until one candidate receives a majority.

> (Officers who stand in the relation of trust or custodianship to the community as a whole, should be persons who have the confidence of a majority of the whole electorate.)

b. *The Election of Representatives.* The town to be divided into four districts ("North," "East," "South" and "West") each voter to have the right to help elect one representative at large from his district, the quota required for election being 40. Every candidate having 40 "first choice" votes from his "district" would be elected on the first count. If any candidate had more than he needed, his surplus ballots would be transferred to the next choices marked on them for unelected candidates. After all the surpluses had been transferred in this manner, the candidates with fewest ballots would be dropped one at a time and their ballots transferred to the next choices marked on them for candidates still in the running. Every candidate who in this way receives the support of 40 voters would in turn be declared elected, until less than 40 ballots still remained to be finally disposed of. Alternates for elected members to be chosen by further examination of the same ballots as provided for in the paragraph "d" below.

c. *The Election of Members of Boards and Commissions.* The Hare system to be used as "a system of proportional representation" for all members of boards and commissions to which more than one is to be elected.

> By this method every constituency or considerable group would have representation according to its strength.

d. *Recount of Votes for Alternates.* The regular election ballots to be preserved until after the organization meeting of the representative body—the recanvass of votes for alternates to be deferred until after the first or "organization meeting" of the representative body. All the vacancies created in each "district" representation in the representative town meeting by the election of members to boards, commissions or other offices by the representative body, or by death or resignation before the "organization meeting," to be filled by a single recount of all the ballots which proved to be ineffective in the original count for representatives, the quota to be the same as in the original count. An alternate then to be chosen for each member whose place has become vacant by a recount of the ballots which elected him, according to the Hare system applied to the election of one as a system of majority preferential voting.

> Among the arguments which have been urged in favor of the foregoing proposals are these:
>
> (1) As has been said, clear thinking about fitness and responsibility requires that, in choosing persons for public service and approving or disapproving their acts, a clear line must be drawn between (a) those performing *guardian* and *custodial functions*, (b) those engaged in *policy-determination*, and (c) those who execute plans or proposals after they have been approved—*administration*. When such distinction is made as a matter of organization, it is only in the choice of the policy determining group that questions of politics enter. Presumably the personnel of the controlling body, its majorities and minorities, might change as often as public opinion might

change, in expressions favorable or unfavorable on questions at issue between leaders constructive or critical, without in any manner causing citizens to doubt the fidelity, or question the ability of the "general corporate officers" described below (Section III). These might hold (in fact it would be to the advantage of all concerned for them to continue to hold) as long as their services were satisfactory. Similarly it would be of advantage to all concerned to have persons who had developed expertness or who had demonstrated capacity for administration (such as engineer, superintendent of schools, health officer, relief officer, etc.) retained in the service without respect to the changing personnel casting the "ayes" and "nays" in the deliberate policy-determining bodies or boards.

(2) The chief reason for the "representative" character proposed for the town meeting as distinguished from the present type has been set forth in the introduction. To this we may add that it would insure attendance of persons who represent 100 per cent of the voters as a matter of duty and honor; it would insure that each session would be made up of persons known to and trusted by the constituency which elected them; it would insure confidence by making each constituency a normal group in the community and small enough to meet their representative. The representative town meeting would provide the means of reconciling the smaller loyalties in the town with the larger purposes of the community as a whole. Thus the deliberative assembly would be a complex or federation of constituencies thereby bringing into organic relation the larger population which makes up the community of to-day; and the several like-minded groups would become the true unit of democratic society, as in former days.

(3) The reason for dividing the town into four districts for purposes of election of representatives would be that there are four normal divisions. "South Norwood" has a population with community interests which should be recognized when questions of town policy and finance are being considered in any and all of the departments of administration and town planning; "East" Norwood now contains a large population with inadequate school and other facilities and has a very immediate interest in street and other extensions. "North" Norwood has in it the principal business district; "West" Norwood has its distinct developmental needs.

(4) The reason for the election of alternates, would be to provide against vacancies occasioned by resignation, or appointment to administrative position — thereby providing for a full quota of voting representatives after organizing the several departmental boards, the chairman of the executive committee and the chairman of the committee on audit and review.

III. GENERAL OFFICERS AND ASSESSORS

1. *Mayor* (*Moderator*)—same duties as the present moderator—a non-partisan, non-executive head of the town government—the official representative of the whole politically organized community on all occasions where such representation is called for.

2. *Town Clerk and Accountant*—same duties as at present.

3. *Town Attorney* — same duties as at present.

4. *Town Treasurer and Collector of Revenue*—same duties as at present.

5. *Town Assessors*—same duties as at present.

> Already it has been pointed out that the general officers as a group, would be charged with responsibility to the community for guarding the intent and purpose of the corporate charter, defending the legal rights of the enterprise as a whole, and acting as trustees and custodians of funds and records—but who would have no participation in partisan alignments developed in processes of planning, approval of plans, and execution of plans and policies after they have been approved. In this respect they would be part of the mechanism of corporate control. Attention is again called to the fact that the four general officers would be elected for overlapping tenures of four years each—only one being elected each year unless a vacancy occurred by death, resignation or removal; and that the policy-determining (political) members of the government would be elected each year. The machinery for resolving controversies is to be found in Section IV dealing with "town meeting" and in Section V dealing with "administrative boards" and in other sections supplementary thereto. See also provisions with respect to nomination and elections, Section II.

IV. CONTROLLING REPRESENTATIVE BODY (REPRESENTATIVE TOWN MEETING)

The representative town meeting would be made up of two classes: "Voting members"; and "non-voting members."

1. *Voting Members.*—The voting membership of the central controlling body to be composed of approximately 100 representatives.

> Instead of having an irresponsible Citizens' Committee of One Hundred as at present, the voting members would thus constitute a responsible citizens' committee of "One Hundred." They would act as a constituent assembly when sitting as a *nominating caucus*, and when sitting as *an organizing body* —selecting the departmental boards and advisory commissions; they would act as a law making body when considering and enacting general ordinances; they would act as a policy determining and controlling body, when considering and passing the budget. In these later relations they would serve as a legally constituted political jury to sit on and determine issues involved in proposals having to do with public policy or finance administration. It is to be noted that the number of voting members of the representative body would depend on the number of ballots cast by the electorate.

2. *Non-voting Members* (*ex-officio*). Every person who is charged with direct official responsibility and who therefore would be called on to appear before the representative body, to have seats and all privileges of the floor, without a right to vote, viz.:

a. All general corporate officers;

b. An executive committee with a chairman and ex-officio the chairman of the several departmental boards;

c. A committee on audit and review —with a chairman and ex-officio the departmental auditors;

d. Town planning commission;

e. Finance commission;

f. The departmental boards each with its administrative officer;

g. Such persons as might be employed to represent any of these groups as attorney or advisor when duly certified to the moderator.

> This would bring all custodial officers, all administrative board members, and their executives, and the two general advisory agencies of the town with their clerks and experts into the forum for purposes of giving information and taking part in discussion. When questions were taken up, all parties in interest would be present. This would seem to be necessary to open forum deliberation and intelligent action. In case it is desired the Hare system of P. R. in its usual form could be used instead of the method suggested.

3. *The Public and the Press.* Seats to be conveniently placed for the accommodation of petitioners and their representatives, and duly accredited members of the press.

> Something has already been said of the assumed advantages of providing for a central representative controlling body and of applying a principle of election which would insure that the various constituencies, as they actually exist in the town, would be present in the persons of their representatives. But proportional representation alone cannot cure the constitutional defects from which our representative bodies (local and other) have suffered in the past. Nor does it alone offer a solution for invisible irresponsible government. As in the case of the courts, the representative branch of our governing agencies is assumed to be a deliberative body. From experience we know that action which is deliberative must be based on knowledge of actual happenings—experience—evidence and the opinion of experts. Thus no court will undertake to decide a purely academic question; and all courts insist that the attorney for every party in interest shall be present when questions of justice are being decided. In courts of law and equity great care is exercised to insure that the controversies to be decided in the interest of the public shall arise out of conditions which are real or "actual"; and that the issues shall be presented by the real parties in interest or their attorneys. In matters of public business (custodianship and administration), the only one best qualified to represent one side of a question in controversy is the one most intimately connected with the business under review. The psychologist tells us that action which is not based on deliberation—the weighing of evidence, judgment based on experience—must necessarily be impulsive. The aim of democratic political organization is to provide a means whereby every question of political or social justice may be decided by process of deliberation in order that impulsive action may be prevented. It is therefore proposed that the town meeting be a forum in which *real issues* growing out of considerations of public welfare be *presented by responsible officers* or other persons charged with a duty to perform; that questions of policy be raised and discussed in the representative body by the acting parties, and their critics thereby bringing before representatives and the public not only issues which are mooted but also the acts and experiences of persons who have had contact with the problems out of which

practical questions have arisen. Under their leadership the practical questions which have arisen would be in continuous process of dramatization. The assumed advantage of this type of organization and procedure is further enlarged in the note subjoined to Section XI headed "Organization of the Representative Town Meeting." See below.

V. DEPARTMENTAL BOARDS — DECENTRALIZED ADMINISTRATION

1. *Administrative Boards.* — To be elected at the first or "organization meeting" of the representative body after the annual general election. Each board to be composed of six members, to be chosen annually by the representative controlling body as follows:

a. *Board of Public Safety and Works,* with powers same as selectmen under the present charter;

b. *School Board,* with same powers as present school committee;

c. *Library Board,* same powers as at present;

d. *Board of Health,* same powers as at present;

e. *Board of Relief,* same powers as at present;

It is to be noted that these boards differ widely in importance; but for local reasons it is thought that for the time being, no rearrangement should be suggested it being indicated as among the powers of the representative town meeting to re-arrange or enlarge on these powers or to create new departments at will. The only change suggested in this draft is that, instead of being chosen by the electorate, as four out of the five are at present, they all would be chosen by the central controlling representative body. The purpose is to co-ordinate the constructive planning without interfering with their independence in administration by making the several boards serve as committees of the town meeting with delegated powers—responsible for departmental constructive policy and the discussion of issues arising out of departmental needs. The unification of departmental policies with a general plan of community development would thus be made a function of the central controlling body for which purpose an executive committee is proposed—to be made up of a chairman of the executive committee, who normally would be the leader of the majority in matters of organization, and the chairmen of the several boards. The representative town meeting would provide the means for the definition and intelligent consideration of issues when considering the make-up of the administrative boards, as well as at the time of passing the budget; this would enable the people to keep the issues and discussion before the central body through the year without confusion of responsibility.

2. *Method of Election.*—Each board to be chosen by a simple proportional ballot, members of the town meeting and other qualified electors of the town both being eligible. The ballots cast for each board to be counted first according to the Hare system of majority voting to determine the majority choice for chairman, the runner-up on the last count being also elected as auditor (or leading minority member). The ballots then to be recounted three times by the same method (disregarding choices for persons already elected) to determine

three additional majority members—the runner-up on the first recount to be elected also as a second minority member, who would bear the designation of "Inspector."

Thus the members on each board who represent the majority in the town meeting would have a two-thirds working superiority for determining questions of policy and for giving support to executives after plans were approved; but their actions and the acts of executives would always be subject to scrutiny, with full opportunity given for criticism by the minority members and public review of results. The plan would make the two minority members of each board—the auditor and inspector—responsible for knowledge of physical conditions as well as for the *visé* of expenditures.

3. *Chairman.*—Each chairman to preside at board meetings and to be responsible to the town meeting for representing the constructive leadership in presenting plans and estimates.

This would be the leadership responsible to the town meeting for the service plan for which financial support is asked; and theirs would be the plans for public service which, when support is granted by a majority of representatives, would be approved for execution; for this reason a majority of each board should be chosen with a view to supporting the responsible leadership within the board.

4. *Auditors.*—Each auditor to be responsible to the town meeting for presentation of issues raised in his respective board in opposition, where issue is founded on plans and estimates; also to be charged with the duty of review and approval or disapproval of all payrolls and other obligations incurred before vouchers are sent to the town clerk and accountant for warrant. In the absence or incapacity of the auditor the second minority member would serve as assistant.

The term "auditor" is here used in a non-technical, generic sense. The function is one of critical review of plans and estimates—a responsibility which is quite necessary to deliberation. One of the axioms of responsible, democratic government is expressed in the pre-revolutionary slogan "Eternal vigilance is the price of Liberty." But in the development of our public agencies since gaining our independence we have failed not only to provide adequately for the location of responsibility for constructive leadership, but we have also failed to provide adequate mechanisms and procedures for the exercise of "eternal vigilance"—the means whereby voters and representatives may have brought before them the facts necessary to intelligent action, at a time when policies are to be decided and when persons are to be chosen to carry them out. As a matter of experience it has been found that the only persons who can be relied on for eternal vigilance are those who are identifiable as serving constituencies who are political or policy "opponents," of persons who are to be held to account for preparing or executing plans. This is not only exemplified in provisions of the new democratic constitutions, as a means of enforcing official accountability (as in the case of the Irish Free State and the Czecho-Slovakian Republic) but the principle is accepted and acted on by our own majority leaderships in congress when the president is not of the party. And when the executive and the legislative majority are in the same party the principle is recognized in their efforts to avoid accountability by preventing publicity. It is for this reason our party machines resort to secrecy and apply gag rule. By putting the auditing and inspection functions of each policy determining board into the hands of persons not linked up with the majority, an opposition leadership is given standing in every council to which the community looks for deliberation.

5. *Inspector.* The runner-up on the first majority member chosen after the chairman to act as "inspector" and to be charged with the duty of critical examination of building, plant and equipment and report on same, and of co-operation with the auditor in keeping members of the board, the finance commission and the chairman of the committee on audit and review informed about conditions requiring attention. Reports of the inspector as well as the auditor to be made a matter of record open to the public.

6. *Executive Agents or Administrators.* Each board to have a technically qualified or professional executive agent, manager, or administrator, to act as the responsible head of the public service organization under its jurisdiction—said technical head or manager to be chosen by the board for an indefinite tenure.

When means have been provided for effective criticism it has been found that majority leaders can be protected and public goodwill insured only when competent administrative agents are employed and retained. Thus the need of majority leaders, when held strictly and promptly to account, for the most able advice and capable administrators has proved the best possible guarantee of efficiency, and for the maintenance of professional standards.

7. *Department Policies and Procedures.* All departmental policies and orders to be promulgated by the responsible board—subject to review by the town meeting on motion of the executive committee or committee on audit and review of the town meeting, and to veto by the mayor; in case an issue is raised by veto the same to be taken to the next town meeting and there decided by the representatives of the town; all administrative departmental procedures subject to modification and approval by the board, to be promulgated by the administrative head of the service.

Since the mayor would be nonpartisan—in that he would be elected for four years, and would have no part in discussion of issues, and no vote—it would be only when a departmental or party decision in his opinion is opposed to the general corporate purpose or the welfare of the town would seem to be threatened, or an appeal to the electorate by a referendum would be indicated as the best way of harmonizing the interests of the whole associate group, that his veto would be exercised. In this relation it is to be noted that according to the plan of town organization herein outlined the policy determining and regulative powers would be divided between the central controlling body (the representative town meeting) and the several administrative boards—the former deciding questions of general policy and finance, the latter having jurisdiction over administrative policies and executive orders. Responsibility for decision of matters in controversy in each case would rest initially on the body before which the business arose. Decision having been reached, each representative body or board would have its nonpolitical administrative machinery for execution. That is to say: The general corporate executive machinery of the central representative body would be the general corporate officers; (see Section III); the public service administrative machinery within the departments would be under the boards. Recognizing these two aspects, therefore, it is needful that some means be provided for reconciling the policies and the loyalties of the general corporate controlling body with the departmental controlling bodies — in order that each might co-operate with the other in promoting what would be considered the best interests of the community. This would be done by the central controlling or representative body. As has already been pointed out, provision would therefore be made for a chairman and a working majority in each board who would work in harmony with the views of a majority of the central controlling body in formulating policies and granting financial support for the year; at the same time provision would be made for minority representation, and for active critical opposition and publicity, thereby keeping representatives and electors informed. To this end the minority representation would be organized and used as the responsible critics of the majority—*i.e.* the auditors and inspector in the several boards, would organize as minority leaders when issues are taken before the town planning commission, the finance commission, and the town meeting.

VI. TOWN PLANNING COMMISSION

1. *The Membership* of the town planning commission to consist of six persons elected by the town meeting by a single ballot. The ballots to be counted first by the Hare majority system to determine the chairman, the runner-up to be the chairman of the finance commission. The ballots then to be recounted five times by the Hare majority system, discarding choices for persons already elected to either commission, the winner of the first three recounts to be elected members of the town planning commission, and the runners-up to be elected members of the finance commission. The winners on the last two recounts to be elected to the finance commission and the runners-up to be elected to the town planning commission.

2. *Powers*—the same as at present, together with the further powers herein provided. The commission would have the right to employ, within the limit of its appropriation, planning or other experts to assist in its constructive and advisory work when needed.

Carrying out the general design of organization for purposes of deliberation—in which provision would be made not only for the presentation of opposing views based on experience but also for independent staff advice—the town planning commission would be a staff agency of constructive advice. Therefore, this staff agency should be in sympathy with the executive committee, the chairmen of the administrative boards, the "doing" part of the corporate organization. Nevertheless in the interest of publicity and to prevent secrecy—having in mind the need for critical review and discussion both within the commission itself and without, as well as contact with opposing interests in the representative body and the electorate—one-third of the personnel of the planning commission would be elected by the minority, as determined at the time the chairmen and majority members of the administrative boards were commissioned each year to prepare plans.

VII. FINANCE COMMISSION

1. *Membership* of the finance commission to consist of six persons elected by the town meeting on the ballot by which the town planning commission is chosen, as already described above (Section VI, ¶ 1).

The town planning commission and the finance commission are conceived of as having equally important but complementary functions. The duties of each would lie in the same field—the one having the support of a majority at the time of organization, being responsible for constructive planning, the other for critical review and discussion of plans proposed and estimates supporting them.

2. *Powers.* The same as at present, with other powers added as herein provided. The finance commission would have the power to employ within the limits of its appropriation, a public accountant or other expert should this be deemed necessary.

Too much emphasis cannot be given to the mechanisms for giving balance to the constructive and critical processes of deliberative agencies. The finance commission—being a critical body, advisory to the town meeting and the departmental boards—would be able to function best when its leadership and controlling personnel is taken from or elected by the minority. At the same time, the demands of publicity and representation of the administrative and constructive agencies whose acts and proposals are brought under review, require that the majority be represented with full rights of membership—but without the means of obstructing the commission's work. The chairman and two-thirds of the members would therefore be chosen by a minority of the central controlling body at its organization meeting each year. Because of the manner of their choosing and the need for both constructive and critical planning and review, the two commissions might be thought of as opposing counsel, the one representing those charged with constructive leadership and the other representing the public as beneficiary for purposes of critical review and discussion. Being chosen for their ability as counsellors, it is probable that the same persons might be retained as members of the two commissions over a long period—a particular individual appearing as a proponent when his constituency favors the projects of the majority and as opponent when in the minority. Thus, one year a counsellor might be chairman or member of the planning commission and the next year he might be chairman or member of the finance commission.

VIII. MEETINGS

1. *Regular Meetings*, both of the central controlling representative body (the town meeting) and regular meetings of departmental boards to be held each month, unless a vacation of one month be taken in the summer time.

2. *Special or Adjourned Meetings*, as often as required.

3. *Dates of Meetings*. Initially and until otherwise determined, each of the several departmental boards to have regular meetings on the first Tuesday of each month (unless this be a holiday in which case they will meet the following day) and as often as called by the chairman; the town meeting to meet regularly on the second Tuesday of each month (unless this be a holiday in which case they will meet the day following); each board and the representatives to hold such special or adjourned meetings as might be necessary to transact the business before them. The meeting of representatives for organization and voting on members of administrative boards to be the first regular meeting following the election of representatives.

4. *A Certified Carbon Copy of the Minutes* of each board to be promptly transmitted to the town clerk where the same would be kept on file for public inspection.

5. *Order of Business*—among the items to be entered on the calendar or order of business of each board-meeting would be the following: One for "report by auditor"; and one for "report by inspector." (See Section V, ¶ 2 and notes which follow.) Such reports, when made, to be in writing; and copies to be promptly transmitted to the finance commission.

> Having provided the machinery for deliberation and this machinery having been put in charge of a person (the mayor-moderator) whose duty it would be to keep it running, the purpose, in this section, would be to set up a schedule of running time so that certainty would be given to events and the time of the meeting of one board or deliberative body would not conflict with that of another. It would seem desirable also to provide a definite date for organization each year, as well as for the introduction and discussion of plans (the budget). It would also be desirable that rules be laid down governing the procedure of organization, and governing the discussion of issues to the end that adequate provision be made for publicity and for the development of critical judgment before voting.

IX. PETITIONS AND REMONSTRANCES—INITIATIVE

1. *On the Orders of Business*—a place to be made on the calendar at each regular meeting of the town meeting and of each departmental board for petition and remonstrances.

2. *Popular Initiative*—in case an ordinance or resolution be proposed by an individual citizen or by a citizen group, it would be received and considered as a petition.

3. *Public Hearings*—reasonable time to be allowed at meetings of boards and the town meeting for appearance of citizens in support of petitions and remonstrances.

> Much thought has been given to the question of petitions, the right to which is guaranteed by our constitutions. How may unofficial civic leadership be made effective in a community and at the same time prevent its irresponsible or possible insidious use? "Petition" and "remonstrance" are forms of communication well suited to the formulation of questions for

consideration in open forum; but, to be effective, opportunity must be given for hearing. Should it eventuate that this is used to excess, special means may then be provided for hearings after references to a minority controlled committee; but this would seem unlikely in a place which provides for proportional representation and minority leadership for purposes of criticism and open forum discussion.

X. ORGANIZATION OF THE REPRESENTATIVE TOWN MEETING

1. *Different Capacities in which the Town Meeting Would Function.* The town meeting would function as a deliberative body in four capacities: (1) As an electoral body, when organizing itself and the several departmental boards and advisory commissions; (2) as a policy determining body when discussing plans and considering the budget; (3) as a law-making body when considering and passing ordinances; and (4) as a nominating caucus. For each of these purposes an appropriate order of business and procedure would be adopted.

2. *Presiding Officer and Clerk.* When acting in any and all of its several capacities the representative town meeting to be called to order or presided over by the moderator, or in his absence by one of the general corporate officers (other than town clerk) who would be called on to preside in the order listed above. The town clerk to be the recording secretary.

3. *Seating Non-voting Members.* After the first or organization meeting, appropriate seats to be assigned in separate groups to the five classes of non-voting members; viz.:

a. The executive committee;
b. The committee on audit and review;
c. The administrative boards;
d. The town planning commission;
e. The finance commission;
f. General officers.

Preferably the foregoing groups would be given seats around tables placed in front of and in full view of the voting members, in order that they might have the benefit of conference and facilities for handling documents. Tables should also be provided for the leaders in scheduled debates for like reason. For suggested arrangement and floor plan see Chart VI.

4. *The Chairman of Administrative Boards and the Leader of the Majority* are to be elected at the organization meeting by a simple preferential ballot and application of the Hare system of majority voting to determine the choice. They will constitute an executive committee. The departmental auditors and the leader of the minority (elected at the same time as the runner-up), will constitute a committee on audit and review, each committee to have the right to have some one present to represent them either as leader or in advisory capacity when controversial questions are under discussion leading up to a vote. The election of the majority and the minority leaders to take place before the election of the members of the departmental boards and the members of the advisory commissions.

5. In all matters in which there is organized opposition or a question in controversy is to be formally presented before the town meeting for decision by the voting members (other than on proposals of the chairman of the executive committee and opposed by the chairman of the committee on audit and review in consideration of the budget), after due notice the proponent and the opponent members would each be given opportunity to notify the

moderator as to who of their group would be looked to for leadership.

6. In all discussion in which the organized majority and minority, or other definite groups takes sides, the moderator to require that the issues be clearly defined in form of a motion, resolution, or ordinance; also that opportunity be given to each side to get at the facts through access to public records, interpolation, request for report, or other methods of obtaining evidence and submitting same to critical review.

7. No argument to be made by a proponent, or vote to be taken for decision, on a question of general policy or finance, before full opportunity is given to those who have given notice of intention to appear as opponents to learn upon what facts the proponent relies to support his contention. To this end a definite procedure would be laid down for giving opportunity to members for "questioning" or "interpolation" and to obtain "report on the facts," and for governing debate.

> In this relation the following points are to be noted: (1) as before pointed out, the moderator is assumed to be an unbiased presiding officer in much the same position as a judge presiding over a trial by jury; (2) the town clerk would serve much as clerk of a court; (3) the voting membership would constitute the determining body; (4) the representative of every party in interest would have a chance to know what the issue is, prepare for trial, present and defend his cause in the face of his opponent; and (5) definite rules would be made for the development of a trial procedure on issues of public policy, as well as for the preparation of the case of the proponent and opponent under appropriate leadership. It is in this interest that care has been taken to preserve to a majority the right to control the "motor-activities" of the government and at the same time to stimulate and provide for the strongest possible critical leadership by utilizing and providing opportunity for the minority in each deliberate board and in the town meeting to appear, question, and develop the opposition. The town meeting would be an occasion on which the business of the community would be kept constantly before its citizens, by a procedure in which the most able men would come to serve the community as opposing leaders—so that whether a particular leader were supported by a majority or not, if he were a person of ability and kept the confidence of a constituency, his services would be retained. Thereby the strongest leadership would be kept in the service of the people on one side or the other of controversies arising out of the constant adjustments necessary to adapt local institutions to the changing demands of a progressive community. With such a procedure, the thought is that there would be no lack of interest, and no lack of vitality, in the representative controlling body of the town government. Most important of all, every forward move would have the backing of an informed public opinion.

XI. REFERENDUM

Referendum may be taken to the electorate on each next election day on any measure involving a question of general town policy as follows:

1. Upon order of the mayor;
2. Upon recommendation of a majority of either the finance commission or

the town planning commission and vote of the town meeting;

3. Upon petition of not less than three hundred voters;

4. Upon petition of one-third of the voting members of the town meeting. And if a matter of finance or general policy is of sufficient importance in the opinion of the mayor to warrant, the mayor to call a special election for submission of a proposal in regard to it.

> As the referendum is commonly used, it has meant little and possibly it can never be more than means of preventing high pressure explosion. But experience in Switzerland, whence the device came, shows it has possibilities under a decentralized-commission-manager form of government which have not been realized here. The thought would be to make a referendum possible not alone by petition, which is always a difficult procedure, but to put the power in the hands of the mayor, as corporate guardian and into the hands of both the majority and minority central advisory agencies.

XII. ANNUAL BUDGET

1. The several annual departmental estimates to be presented to the finance commission within one month after the several administrative boards are elected.

2. The town budget to be presented to the town meeting by the chairman of the executive committee, at the second regular session of the town meeting after the meeting for organization.

3. After the budget had been presented as a whole, opportunity to be given to the chairman of the committee on audit and review, the chairman of the finance commission (and other members of the central controlling body) to raise for critical consideration and discussion questions of general policy.

4. Questions of general policy having been thus considered, the budget to be taken up for consideration in detail, for which purpose it would be made the special order of the day at successive town meetings held at intervals of not more than one week until it is passed—first consideration being given to the estimates of expenditures.

5. In taking up the estimates of expenditures for consideration and discussion, in detail, the town meeting would sit informally as a committee of the whole house—each chairman (or other majority member of each board acting as proponent), the auditor or inspector (or member of the finance commission) acting as opponent leader with respect to items in controversy. Each general officer would act as proponent for his estimates, in consideration of which a member of the committee on audit and review or the chairman of the finance commission would act as opponent on items in controversy.

6. After discussion each item in controversy with respect to which a division is called for, to be put to a vote.

7. After the town meeting, sitting as a committee of the whole "rises," the town clerk, as soon as practicable to publish or report in printed form estimates of expenditures as amended by vote in the committee of the whole house; this report would take the form of, and be entered on the calendar as, an appropriation bill or ordinance, but would not be put to vote as a bill until ways and means of financing had been discussed.

8. The revenue and borrowing program would then be taken up in committee of the whole in which the executive committee would present its recommendations. In case of opposition, a

division being called for, each item or question in issue would be put to a vote.

9. After the committee of the whole "rises," the town clerk to report the result in form of a finance bill or ordinance.

10. The budget as a balanced statement, with the supporting ordinances, would then be brought before the town meeting for enactment as a finance plan for the current year.

11. While the budget is under consideration the town to run on credits approved by the town clerk and accountant, as now provided by law.

12. After the budget is passed, the tax rate to be fixed.

Brief mention may be made on the point of suggested procedure, calling for initial consideration of departmental and official estimates in committee of the whole; this would do away with the formality of regular meeting and put every controverted item to a test vote after criticism and discussion, for the information of voting members and the public, without binding anyone until the whole financial plan was complete. The provision for petition, remonstrances (see Section IX) would also admit nonmembers to participate in discussion under proper regulation.

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THE REPORT OF THE SPECIAL COMMITTEE ON CIVIL SERVICE

FOREWORD BY THE PRESIDENT OF THE NATIONAL MUNICIPAL LEAGUE

The Council of the National Municipal League, after very careful consideration, came to the conclusion at its last meeting that the report of the Civil Service Committee, as reported at the Philadelphia meeting, should be referred to that committee for such revisions as the committee might desire to make, and then published in the REVIEW. There has been so much discussion of this report, that it was deemed advisable to publish in the same issue such articles and comments as would serve to bring out the differences of opinion regarding the civil service. The Council felt that this was the only way they could get an intelligent discussion by the whole membership of the League so that all could have an opportunity to read it and think it over and so come to the annual meeting prepared to take intelligent action. The Council desires the members to understand fully and appreciate that the League and the Council have taken no action on this report—that it is not published as being sanctioned by the League but simply to place the findings before the membership.

The Council desires to take this opportunity to acknowledge its debt to the committee to whose interest and industry the report is due.

HENRY M. WAITE.

LETTER OF TRANSMITTAL

June 28, 1923.

To the Council, National Municipal League:

The report of the Special Committee on Civil Service is herewith submitted to you for publication in accordance with the resolution adopted at your meeting on March 28, 1923.

Respectfully yours,

Henry S. Dennison, *Chairman,*
President, Dennison Manufacturing Company.

W. E. Mosher, *Secretary,*
National Institute of Public Administration.

Wm. C. Beyer,
Philadelphia Bureau of Municipal Research.

Morris B. Lambie,
Municipal Research Bureau of Minnesota.

John Steven,
Chief Examiner, New York State Civil Service Commission.

Whiting Williams,
Labor Investigator and Author.

Note:—Mr. Lambie has requested that the following statement be published in connection with his signature above.

"On account of the distance separating me from the other members of the committee, I have been unable to counsel with them directly and to come to an agreement regarding certain shades of opinion. Although I cannot subscribe to every detail, and would prefer to emphasize other considerations in a report of this character, I do nevertheless believe that it will stimulate interest, and I subscribe to the spirit of the report.

Mr. Charles P. Messick, president of the Assembly of Civil Service Commissions for 1922–1923, and chief examiner and secretary of the New Jersey State Civil Commission, was originally a member of the committee which prepared this report. He withdrew from the committee on February 19 last, because, according to his statement, he is "unable to agree with the subscribing members of the committee that the report is either constructive or fundamentally sound."

CHAPTER I

PRESENT STATUS OF THE MUNICIPAL CIVIL SERVICE

One of the most significant results of the war is the general recognition of the part played by the workers in determining standards of production. Their working conditions, their state of body and of mind are all receiving intelligent attention from the employer because of their bearing on output. As a consequence personnel is now assuming the proportions of a major administrative problem. But in our greatest productive enterprise, government,[1] there has been only limited appreciation of this discovery.

It is not that the working standards of the civil employees are not important for the success of government, nor that their compensation constitutes a relatively insignificant charge on the cost of operating our governmental institutions, nor finally that our various units of government in this period of high taxation and reduced earning power have not felt the need of increasing their output of public service per dollar expended. In fact, quite the contrary is the case. In the first place, since government deals primarily in service, its success is more dependent on the quality and spirit of the workers than if it were manufacturing and marketing commodities on a quantity basis. Secondly, there is no single item of expense in the budget of any form of government that is larger than the totals currently charged to the account of "salaries and wages." Thirdly, the slogan, economy and efficiency, has been sounded in none of our private industries any more insistently than in government circles. We thus see that every consideration points to the desirability of improving personnel standards among civil work-

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[1] Recent estimates of the size of the government's working force, exclusive of teachers, vary between 2,300,000 and 3,000,000 employees. This includes those on the pay-rolls of the federal, state, city, village and county governments. E. C. Marsh, of the National Civil Service Reform League, in a sketch of the Merit System (p. 4), puts the figure at nearly 3,000,000 with a total pay-roll of $3,000,000,000. The committee on civil service of the Governmental Research Conference in the report entitled: Character and Functioning of the Municipal Civil Service Commissions in the United States (p. 5), makes the estimate of 2,300,000 with a pay-roll of $2,500,000,000. The New York state civil service commission (annual report for year ending 1921, p. 22) estimates the total number at 2,300,000 and the editor of *Minnesota Municipalities* (February, 1922, p. 3) suggests the figure 3,250,000, including both full and part-time employees.

Editorial Statement by Secretary of Committee—The following report takes largely for granted (1) the noteworthy progress made in the reduction of the spoils' evil in the administration of our municipalities and (2) the marked improvements in the methods of customary procedure of civil service commissions. This is due not to an oversight nor to a lack of appreciation of what has been done in the past and what still remains for the future, but rather to our primary purpose of setting up and defining a *further objective*. It is assumed that the gains already made must be consolidated and the lines extended. We believe, however, that the time has come to give thought to the next vantage point and to consider ways and means of reaching it. The report aims, therefore, to stimulate thought and discussion with regard to a new base line without in any way belittling present achievements or provoking an abatement of effort along established lines. It is in the interest of what lies beyond that the report has been prepared.

ers and putting public personnel administration on a sound and scientific basis.

In spite of all this, the inevitable deduction has not been drawn. Progress has been made in the war and post war period by only a limited number of governmental jurisdictions in accordance with the principles of modern employment management. We are fully aware of the revolutionary changes brought about by the extension of the merit system and the consequent improvement in examination technique, of the notable pioneer service performed by government in working out standard salary schedules on the basis of the classification of positions according to duties[2] and of the steady progress being made in the introduction of sound pension systems. These developments are properly included as essential factors in any modern program of employment management. But since these tendencies were well under way before our entrance into the war, the net result of reconstruction activities in the field of public employment management in the period with which we have to do has been far from significant.

We may go even further and assert that instead of making progress the government retrograded as an employer in the crucial years under consideration, for the general standing of the civil service[3] was probably lowered in most jurisdictions as compared with the prewar conditions. This was due, in the first place, to the fact that competing industrial and commercial establishments attracted large numbers of the more promising civil workers by means of higher salaries and greater opportunities for promotion.[4] This culling process alone naturally led to a gradual lowering of the general average of ability.[5]

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[2] Fifteen of 23 cities of 100,000 and more inhabitants investigated recently by a committee of the Governmental Research Conference have classified their employees according to duties. Cf. p. 90 in Character and Functioning of the Municipal Civil Service Commissions in the United States (1922) to be referred to later as Conference Committee Report.

[3] "Civil Service" is used throughout this report in the broad sense to designate *governmental employees*, without reference to civil service control by a civil service commission.

[4] Statistical data on the number of voluntary resignations in the war period are not available, because the civil service commissions give turnover statistics only in exceptional cases. Hearsay evidence is nearly unanimous, however, and whatever data we have go to support the above assertion.

The annual reports from the St. Paul commission are among the exceptions. The figures showing the "hold-overs" from year to year are specially illuminating. The percentages of holdovers are as follows: 73 per cent (1916); 63 per cent (1917); 55 per cent (1918); 49 per cent (1919); 45 per cent (1920); 45 per cent (1921). This indicates that about one-half the permanent force has had to be recruited afresh each year during the above four years. In its 1920 report, the Minneapolis commission gives the turn-over record of 124 per cent for the years 1917–1920 inclusive, or at the average rate of 31 per cent per year.

An investigation of the turn-over situation in the Washington service of the federal government is found in the *Monthly Labor Review* (December, 1920). This covers separations for all causes and shows (p. 14) that the percentages swing from 10 per cent in 1915–1916; 16.4 per cent (1916–1917); 36 per cent (1917–1918); 40 per cent (1918–1919). It is also pointed out that the separations occur among all types of workers, but that they are specially high among the scientific-technical groups. To support this conclusion, data are given for six bureaus in which the turn-over for these groups advanced from 12 per cent in 1916 to 69 per cent in 1919 and 52 per cent in 1920. The progressive deterioration of the service is set forth in some detail in the latter part of this article.

[5] After seven years of administrative work (*i.e.* in 1920) Franklin Roosevelt summarized his impression of the situation in the federal govern-

Secondly, the wholesale dismissals that took place in the name of retrenchment tended to discredit the civil service as a career among the group of young people from which the government should draw recruits for its great army of workers. Reference is made not so much to the reduction of force, which as a result of the expansion during the war is recognized as inevitable, as to the method of dismissal. Unfortunately this was occasionally brought about without due notice, thus causing unnecessary hardship and leading in some cases to widespread publicity.[6] Such publicity naturally re-enforced the idea that a public position is a political position and one that is necessarily subject to the shifting of political currents.

In part of the above conditions are chargeable to the general reaction and relaxation following upon the war that affected the employment situation throughout the country. However that may be, those in touch with public service know that there was a lowering of the status and attractiveness of the civil service in the period under review. They also know that it was none too high before the war, except in certain outstanding jurisdictions. For even then inequitable salaries, lack of recognition of efficient service, haphazard promotion policies, and autocratic and political control had combined to give civil service the stamp of a second-rate industry.[7]

If we leave out of account that limited group of commissions which has been steadily forging ahead toward the development of a well-balanced employment policy, we may safely state that the large majority of civil service commissions are pursuing traditional methods quite along traditional lines and should add moreover, that they are laboring under handicaps as to appropriations and staff that practically block the possibility of progress in administration.

But the more thoughtful public executives and observers of modern trends in government know that the necessary and accepted functions of government now make it an industry of the first rank. Although an industry engaged in producing service rather than commodities, they appreciate that it must ultimately take its place among the major industries of the country. This applies both to its status and its methods, and it should of course apply to its personnel. Under the caption "economy and efficiency," or more recently under that of "retrenchment," such men have reviewed or are review-

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ment in his acceptance speech of the Democratic nomination in the following words: "To-day we are faced with the fact that the majority of the most efficient employees leave the service when they are becoming most valuable. The less useful remain."

[6] Several thousand workers were dropped without notice by the federal government in the navy yards and 600 in the bureau of engraving and printing. The peremptory dismissal of the director of the latter organization together with 28 division chiefs is still fresh in mind. In March, 1921, New York city exercised its removing power on only 24 hours' notice in the case of 36 engineers employed in one department. Within the first month of holding office, the mayor of Cleveland dropped 700 employees, some with and some without warning. These are some of the outstanding cases that have been widely commented upon. It is difficult to estimate the harm that they have done in the way of undermining the attractiveness of the public service as a career.

[7] In the article on Separations from the Government Service (*Monthly Labor Review*, December, 1920, p. 23) reference is made to the replies of 40 college and university officials who were asked concerning the prospect of their graduates entering government service. The writers were all but unanimous in stating that their graduates were not looking toward the government servic as a career.

ing the processes of government. Recognizing that government has permanently taken on many vital functions of a social and economic nature, they are not so interested in retrenchment interpreted as curtailment as in the retrenchment that may be translated "wiser spending." But generally speaking, they have up to the present time applied this formula only to a limited extent to personnel administration.

This inconsistency is to be explained by the fact that there is probably no phase of public administration where the program of retrenchment will be more difficult to carry out than in the field of personnel. Tradition, personal and political influences, and the immunity supposedly enjoyed under "civil service," all tend to conserve the status quo. But sooner or later fundamental retrenchment must be brought to bear here too. The taxpayers' money that goes out in the form of pay checks must be spent more wisely. Low standards and high costs cannot be tolerated indefinitely in a phase of the business of government that annually absorbs from 33 to 66 per cent of the total public expenditure.[8] The improvement of civil service standards is to-day a grave problem, national in scope and significance.

STATUS OF MUNICIPAL CIVIL SERVICE

The series of available reports of investigations of the civil service made in recent years in various governmental units are hardly less than an indictment of the government as employer.[9] A surprising amount of evidence is here brought together of inequitable salaries, hit or miss employment conditions and the consequent low status of the civil service. It is obvious to the readers of these reports that the vital problems of employment have not received the attention they deserve.

Analysis shows either: (1) that where there is not a civil service commission no definite agency is concerned with employment matters, or (2) that where civil service commissions exist they do not exercise adequate supervision and control over personnel matters. In the latter case the distribution of authority among the legislative body with its salary determining powers, the executive[10] with the appointing power, the administrative staff and the civil service commission, greatly complicates uniform and just administration of personnel policy. The situation is aggravated in the latter case by the fact that only an inconsiderable minor-

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[8] The percentage of the total municipal budget devoted in 1921 to the pay-roll of classified and unclassified employees was for the cities listed as follows:

Philadelphia	50 per cent
Buffalo	37 " "
Milwaukee	55 " "
Seattle	50 " "
Trenton	43 " "
Portland	45 " "
Dayton	63 " "
Newark	55 " "
Jersey City	39 " "
Paterson	43 " "

(Data supplied by the civil service commissions)

[9] Report of the Proposed Classification of the City of Rochester, 1920, pp. IV and V; Outline of Report of Civil Service by Detroit Bureau of Governmental Research; Administrative Survey of the Government of the City of New Orleans, 1922, pp. 42–53; Civil Service in California (and San Francisco), Transactions of the Commonwealth of California, 1921, pp. 311–318; Report of the Senate Committee on Civil Service of New York State, 1916 (pp. XIII–XXVI); Report of the New Jersey State Civil Service Investigating Committee, 1917 (pp. 11–45); Report of the Congressional Joint Commission on Reclassification of Salaries, Washington, 1920 (Chs. II, IV and V).

[10] This term applies to mayor, commission, or city manager according to the type of government.

ity of the civil service commissions are properly constituted and equipped to perform the functions assigned to them by law.

It is our purpose in this report to direct attention only to the situation where a civil service commission is operating. This may be considered the more typical state of affairs since the great bulk of our citizens dwelling in the larger cities are living under a local government in which the civil service commission is serving in the capacity of an employment agency. As a matter of fact, 90 per cent of the total urban population in cities of 100,000 and more are found in cities,[11] with such an agency.

According to the above analysis, it appeared that in the cities with a commission there is a distribution of responsibility for personnel between the legislative, executive and administrative branches and the civil service commission. As such a distribution is perhaps the chief cause of the present status of the civil service and as it is also more or less inherent both in our structure of government and in the nature of organization itself, it will be worth while to examine the problem of division of authority with some care, to see if the civil service commission has its full and appropriate share.

Like so many other of our institutions and policies of state, the civil service commission owes its origin to the abiding faith of our countrymen in the saving power of checks and balances. Some forty years ago, after a half century of the spoils system, the first civil service commission was installed by the federal government as a check on the appointing officials and the possible machinations of the legislators. It was charged with the task of separating public positions from the game of politics. The commission was, therefore, the public's answer to the legislative, the executive and the administrative officers who, as a matter of tradition and self-interest, were playing the political game with their official prerogatives. The commission was born of necessity. In response to an extensive and costly abuse, it was given a large measure of control over the entrance of the majority of employees into the public service. Moreover, it has usually had some supervision over promotion, transfer and removal as well. In this way the division of authority arose. As a result administrative officials are compelled to share responsibility for certain of the most vital aspects of selection and control of their own employees with an agency that is partially isolated and all too often inadequately informed concerning the work and working conditions of the employees.

The fact that the civil service commission was called into being to hamper administrative officials as well as legislators in the pursuit of their political devices very largely explains the lack of cordial and fruitful co-operation existing between the commission and the administrative and legislative branches of government. It requires no argument to show, however, how essential such co-operation is in the vital matter of personnel control.

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[11] There are 68 cities with a population of 100,000 and more. Of these 54 have a civil service commission. These latter cities have a population of 24,868,283, whereas the aggregate population of the whole group (*i.e.* 68) numbers only slightly over 27,000,000. This is just about one-half of the total urban population of the United States which is 54,304,603. All of the 25 cities with a population of 250,000 or more, excepting Indianapolis, have a civil service commission. Finally, the total number of cities of 5,000 and more is 1,467 and their total aggregate population is 49,710,650. Of that number 330, with a total population of 32,268,398 (64 per cent of the aggregate), are operating the local government with some sort of civil service control.

The underlying conflict of purpose has gone far toward determining the character of the civil service commission and imposing serious limitations on it. As a consequence it has become a more or less common practice on the part of administrative authorities to attempt to limit the commission's effective functioning, (1) by the control of personnel of the commission itself through the exercise of the appointing power usually vested in the mayor or other chief executive,[12] (2) by the control of the activities of the commission through limiting its appropriations, a power usually exercised by the city council or commission

An analysis of the character of the personnel of the civil service commission goes to show that appointments are customarily made with primary reference to political and personal acceptability and without particular reference to their experience as employers or acquaintance with employment administration.[13]

The average fitness of the typical commission is further reduced by the constant turn-over in the membership of the commission caused by the shifting of political currents. Our data indicate the average length of official life of a civil service commissioner in twenty cities for the past decade to be less than four years.[14] That is to say, that with the conclusion of what might be called the apprenticeship period, the average commissioner makes way for a successor.

We have, therefore, the unique and anomalous situation of an agency which was called into being to promote merit and eliminate politics from the civil service, but which is itself appointed on a partisanship basis [15] and without special reference to fitness for the task in hand and finally subject to change every three to four years. This condition would not be so serious if the commission had an adequate and technically qualified staff. That it has not is to be explained by the fixed policy of the appropriating body which naturally looks askance at the regulatory activities of the commission. It is easily explainable, therefore, that in the matter of finances, the city council has treated the commission so much like the step-child of the administration. Accordingly, it not infrequently happens that the appropriations to the civil service commission are so meager that a very considerable portion of the total appropriation is absorbed by the salaries of the three commissioners.

The annual report of one state commission, controlling over 1,200 classified positions, showed, for example, that of a total appropriation of $12,500,

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[12] According to the Conference Committee Report (pp. 18 ff.) the mayor appoints the members of the commission in 17 of 24 cities; in 3 others the city commission makes the appointment.

[13] According to the returns from the questionnaire, 14 correspondents from as many cities gave opinions as to the factors entering into the appointment of the present incumbents. It was indicated that in only four cases political considerations did not weigh. This factor was rated at 20–33 per cent in 3 replies, at 60–100 per cent in 7 others.

By a liberal interpretation of the replies as to the experience of the present incumbents of the civil service commissionerships, 21 of 63 have had direct contact with employment matters on a fair scale. Of the others 12 are attorneys, two are bankers, and the callings of the remainder point to the likelihood of their having had no experience in this direction.

[14] The returns show that in 6 of the 20 cities the average is less that 3 years, and in 7 others less than 4 years. (Cf. Conference Committee Report, p. 29.)

[15] The standard requirement is that "not more than two commissioners (of a total of three) shall be adherents of the same party." This means a bipartisan rather than a non-partisan body. (Cf. Conference Committee Report, p. 17.)

$7,500 was devoted to the salary account of the three commissioners. Reasonably enough, this commission deplores the fact that it had insufficient funds to employ a qualified examiner on full time. With a staff consisting of a secretary and a stenographer, it was bound to perform its duties in a most perfunctory and inadequate fashion. In a large city $15,928 was appropriated in 1921 for the municipal commission. Of this amount, $6,000 went to the commissioners and most of the remainder to a force of one examiner, two clerks and one stenographer. This city employs upwards of 6,000 employees in the classified service. It is not strange that the commission is reported to be far behind in its work, having had no examinations for some positions for several years, although the eligible lists for these positions have long since been exhausted.

Under-staffing, the primary result of financial under-nourishment, explains many of the shortcomings of our civil service commissions. In the first place, it makes it difficult to maintain close contact with departments, individual positions and employees. Such contact is obviously of essential importance for any personnel agency.[16] Outward evidences of indirect contact are set forms and methods of procedure. Lack of contact is also the chief cause of the retention of old style examinations. Without first-hand observation of the work, it is obviously impossible to formulate other than blanket examinations of the old-fashioned type.

Without more funds, furthermore, the majority of our commissions cannot work out and standardize tests in line with recent developments in the technique of selection, to say nothing of establishing efficiency rating standards and modern methods of promotion and of administering other employment functions prescribed in the law.

The shortcomings of the commission are a sufficient explanation of the attitude of toleration adopted by many of the best-intentioned administrators who would gladly co-operate to the fullest possible extent with an agency that was adequately performing the functions of a personnel division. But as long as the commission is so ill-equipped to come through as a constructive and promotive factor in the personnel situation, these administrators are bound to content themselves with merely observing the letter of the law. This practice is to be deplored since cordial and intimate co-operation between the management and the personnel agency is the very essence of good personnel administration.

There is, however, another not inconsiderable group of administrators, who take a less benevolent attitude toward the commission and its works. They consider the commission as a necessary evil and one to be evaded whenever opportunity offers. This has led to many costly sins both of commission and omission on the part of the administrative staff. Consider various phases of the employment policy where close co-operation between commission and staff officials is necessary, and it will be found that in many quarters there is failure to co-operate even in these phases.

One of the most common evasions is the abuse of provisional appointments.

1. The commission reports of New York (1920), Philadelphia (1920), Buffalo (1921), Los Angeles (1921), Milwaukee (1921) and St. Paul (1921)

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[16] The San Diego commission points out the need of a personnel investigator to follow up the work of probationers and standardize efficiency ratings (7th annual report, p. 11). The Seattle commission urges the same matter on the attention of the council, but only with reference to necessary improvements in the efficiency rating system (1920 report, p. 6).

were analyzed in order to discover how extensive use is made of this type of appointment. It was found that the provisional appointments ranged from 18 per cent to 72 per cent of the total number of appointments made to the classified service in the cities named. In three of the cities the percentage was 40 and over.[17]

According to a special report of the Civic League, the situation in Cleveland must be acute in this respect. The pay-rolls of February, 1922, showed,[18] for instance, that only some 700 of the employees in the classified service were appointed as a result of a competitive examination while 2,100 or 75 per cent of the total number were "temporary appointees."

It must, of course, be conceded that appointments of this sort are oftentimes necessary in view of unforseen vacancies, but it is difficult to explain how the percentage of the total number of appointments during a given year could rise as high as is indicated in the above figures. This condition is one that is most generally deplored by staff members of civil service commissions, as they recognize it to be one of the best indices to the thoroughness, or lack of it, with which the civil service law is administered.

2. An illustration of a sin of omission may be found in the fact that the probationary period serves so little purpose, although it was conceived as an integral part of the process of selection. As is well known, only an insignificant number of probationers is dropped during or at the end of this period.[19] Considering that it is "up to the commission" to select employees, supervisory officials are accustomed to accept the civil service lists of eligibles as final. The commission itself has no means of following up new employees for the reasons stated above. Therefore, the period of probation, which should be a vital part of the process of selection, is ordinarily not utilized. It falls between two stools, as it were.

3. In view of the importance of a transfer and promotion policy for the purpose both of reducing the number of misfits and of giving the much desired opportunity for growth, it may be counted an important sin of omission that the administrative officials and the civil service commission, either separately or together, fail in such large measure to bring about promotions and transfers between different organization units.

4. The retention of inefficient workers on the ground that they are "civil service" is another illustration of the unfortunate lack of co-operation.[20]

5. The practical break-down of many experiments in rating the efficiency of the employees is also to be charged in part to the inability of the civil service commission and the staff officials to co-operate with any degree of success.

All of the foregoing illustrations point to costly wastes that are directly traceable to a lack of fruitful co-operation between agencies that, in the very nature of their functions, must combine forces and work toward a common goal.

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[17] Cf. also statement on provisional appointments in Conference Committee Report, pages 25 following.

[18] The uniformed police and fire services are omitted in this summary.

[19] Reports from eight cities of 100,000 and more population concerning the number of probationers dropped in 1921 show that a total of 190 were dismissed. Of this number 179 were reported from three cities. Three cities dropped none at all. The cities reporting were Philadelphia, Detroit, Milwaukee, St. Paul, Seattle, Dayton, Yonkers. (Cf. pp. 83, 89 in Conference Committee Report.)

[20] As a matter of fact, there is no possible basis for this argument in many of our municipal jurisdictions. In 9 of the 24 cities investigated by the Research Conference Committee, the disciplined employee has no recourse to the civil service commission (p. 79). This applies to all of the cities in New York state.

Whether this absence of co-operation is due to the practices of the appointing and appropriating authorities outlined above or to the attitude of the administrative officials, the civil service commission has been effectively crippled in a large number of jurisdictions. But it is doubtful whether it has been made innocuous.

In fact, even if the civil service commissioners did nothing more than stand at the entrance of the building determining who might and who might not enter, it is doubtful whether the commission could be made innocuous. Their success or failure will ultimately determine the character of the working standards within the building, for it will not be denied that the men and women who actually do the work do more in the long run to determine its quality and quantity than either administrator or general policy. This is the more true when the administrators come into our various departments of government as novices, and when so many of them hardly finish serving their novitiate before they give way to their successors.

Even though other employment functions that have normally been ascribed to the commission by law are not being performed or only in an inadequate way, it is all too common practice, as was shown above, for administrative officials to wash their hands of these matters.

The civil service commission has so much administrative power which it and it alone can exercise that it is quite out of the question to render it innocuous. If it does not positively help, as it may not, it positively hampers. Not a few executives and administrators have confirmed this in the saying: "If it were not for the 'civil service,' I could accomplish something." Many a civil service commission may be incompetent, it may be unprogressive, and it may here and there be the chief repository of governmental "red tape," but it holds too vital a position among the other agencies of government to be either eliminated or ignored.

After some forty years of experimentation with the civil service commission, the time has clearly come for laying more and more emphasis on positive functions. We have an abundance of illustrations of the futility of applying the theory of checks and balances to the task of carrying on the daily routine business of government. In the judgment of the committee the civil service commission should be transferred from the sentry box at the entrance gate of the building to an office adjacent to the executive and chief administrator. Studiously devoting itself from this vantage point to employment problems and intimately acquainted both with employees and positions, the progressive commission would become, as it already has in some instances, the natural source of worthwhile information and constructive service.

It would not be long before alert administrative officials who are not a whit less interested in recognizing and rewarding merit than the civil service commission, would turn to it as a matter of course for advice and constructive suggestion concerning the whole range of employment control. Distribution of authority would thus give way to co-ordination of agencies interested in employment. The keynote of employment administration would become co-operation, just as it is in those private and public undertakings that have been blazing a new trail in this important field.

But the commission should also be accessible to and have easy access to the legislative branch of government. Particularly in the matter of wage determinations, the appropriating body should find the commission to be a clearing house for information as to salary rates, the going wage for different types of work, and important changes to be considered in setting up the scale for the ensuing year. The recommendations of the commission on salary matters would necessarily carry weight since the commissioners are continuously gauging the conditions in the employment market and thus gathering information that would be indispensable to the salary-fixing body.[21] Finally, its classification of positions, the necessary basis both of selection and placement policy and salary scale would naturally serve the purposes of the appropriating body in its wage decisions.

It is not to be assumed from the above diagnosis that the civil service commission is universally a failure and that co-operation with administrative officials is an unheard of thing. There are some commissions in this country performing excellent service and working in close sympathy with staff officials. In New Jersey, Wisconsin and Los Angeles county, for instance, there has usually been close and harmonious co-operation between the administrative officials and the officers of the commission. It has been said that spoils are practically eliminated as a consideration in the appointments made to most offices in these jurisdictions. The New York and Massachusetts commissions have substantial achievements to their credit. The first annual report of the state employment commissioner in Maryland gives promise of significant developments in this state also. Among the cities, New York, St. Paul, Milwaukee, Minneapolis, Baltimore and Los Angeles, as well as the cities in New Jersey where the state commissioner acts as the personal agency, are worthy of mention for contributions in one or more directions.

Abroad, particularly in the English speaking countries, the civil service commission as a selecting agency of government is no longer on trial. There is ample authority to indicate that no one is thinking of going back to the patronage system of the early nineteenth century.

Moreover, in spite of the judgment of not a few qualified observers in this country that "the civil service is not making good," the great public continues to have confidence in the efficacy of the civil service commission. Whenever the question of adopting civil service control has been brought to a popular vote the ayes have outnumbered the nays by unmistakable majorities.[22] This fact alone is a sufficient

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[21] As is pointed out elsewhere, many commissions are specifically instructed to make recommendations as to salaries to the appropriating body. The New Jersey and Los Angeles County commissions even go so far as to prepare the salary lists that are enacted into law by the legislative bodies. That more commissions are not consulted in this matter is due in part at least to the lack of confidence placed in them by the legislative branch. This lack of confidence is to be understood in light of the conditions already described. It is by no means inherent in the character or purpose of the commission itself.

[22] The following data as to popular votes for and against a civil service provision and amendment are brought together by *Good Government* (June, 1920):

	For	*Against*	*Majority For*
Illinois	411,676	121,132	290,544
Colorado	75,301	41,287	34,914
Ohio	306,767	204,580	102,187
New Jersey	162,013	93,281	68,752

A vote on the local adoption of the state law in 6 counties, 7 cities and Newark school district.

Reference should also be made to the remarkable vote cast in November, 1921, in New York state on veteran preference in the civil service. Of a basis for the recent statement that a political party which would be bold enough to adopt a plank urging the abolition of the civil service commission would eventually go down to defeat on this issue alone. On the other hand, one has but to run through the representative party platforms of recent years in order to find planks favoring the "civil service" and often one approving the extension of the "merit system" to the higher positions.

RECAPITULATION

In summarizing the above arguments, we may conclude that government in this country has a most serious personnel problem with which it is not generally coping in an effective manner. It is true, it has established a personnel agency in the civil service commission and endowed it with broad legal powers. The initial purpose of the commission, however, was not so much to administer an employment policy in a constructive way, as to curb the use of public office as spoils. This negative purpose has to a large extent determined the character and activities of most commissions. It has tended to make many of them an outside agency. It has brought about a distribution of authority with the administrative heads, whereas the closest and most cordial co-operation is demanded. This situation explains the effort usually made to render the civil service commission as harmless as possible: first, by the appointment of men of a semi-political character, with little or no background for handling personnel problems; second, by not providing sufficient funds to make efficient performance of its duties possible. Taking it all in all, the majority of the civil service commissions perform their functions to-day largely by sufferance and find themselves in a state of more or less isolation.

The growing demand for better government and "wiser spending"—our definition of retrenchment—forces a reconsideration of the employment problem because no other phase of administration is so costly or so fundamental to good administration as the character and attitude of the personnel. Since the civil service commission is the only and the generally recognized personnel agency of government, any attempt at solving the employment problem must deal primarily with the commission. As we have shown, the commission may be isolated but it may not be made harmless; it cannot be eliminated; the only way out seems to be, therefore, to make it effective.

To do this virtually requires recasting the prevailing conception of the purpose of the civil service commission. Instead of emphasizing the negative and regulatory functions to the exclusion of others, as has customarily been done by executives, legislators and often by the civil service commissioners themselves, the time has now come, in the judgment of the committee, when these functions should be subordinated to positive and constructive ones.

So long as personnel management was an uncharted sea, it was perhaps only natural that most civil service commissions should restrict their activities, as they have, to correcting the most costly abuse of our political life, *i.e.*, keeping the undesirables out. But with the more and more systematic development of this function of management in private industry and in certain civil service circles here and abroad, one is encouraged to consider the rehabilitation of the commission as feasible and to attempt to adapt to its

total vote of 1,790,115 the largest vote on record in the state upon a constitutional amendment—1,090,418 opposed undermining the merit system for the purpose of rewarding the soldiers and sailors. (Cf. Annual Report of the New York state civil service commission for the year 1921.)

use those methods and policies that have been tried and proved by the experience of large employers. The unabating demand for reduced taxes and the size of the public pay-roll makes such an attempt imperative.

Before offering suggestions as to a possible program, the committee will review briefly the progress that has been made in the development of personnel administration in the allied field of private industry.

CHAPTER II

EMPLOYMENT MANAGEMENT IN PUBLIC AND PRIVATE ENTERPRISE

By way of introduction it should be stated that it is not the purpose of this section to draw comparisons between employment practices encountered in public and private enterprise, nor to estimate the relative value of the contributions made from one side or the other. It is rather our intention to indicate in what ways the government as employer may profit from the advances that have been made in this field by the private employers. Fair minded observers will grant that employment management has been more extensively experimented with and more systematically stated in private than in public circles. It is on the basis of these experiments and statements that government may wisely profit.

The occasional appointment of men in charge of personnel to the rank of vice-president or a comparable position in large companies is the outward sign of an important development in functionalized management.[23] It is the recognition of the fact that the personnel policy is to have an equal hearing with production, sales and financial policies and that the employment department is to become a full-fledged major department. The functions of the new division of management ranging from hiring to firing and retirement are too well known to call for lengthy treatment at this point. Suffice it to say that standard procedure has been worked out for the various aspects of personnel work so that employment administration has its proper place in the science of business administration. This involves a consideration of methods of controlling and supervising all these influences that affect the character of the working force, whether they are physical, mental or economic. For the physician and the psychologist, as well as the efficiency engineer and the economist, have been requisitioned by progressive employers in their effort to keep their employees "fit." Generally speaking, the latter are ready to justify this effort in the name of increased output.[24]

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[23] Cf. the American Telephone and Telegraph Company and the Metropolitan Life Insurance Company.

[24] The following concerns may be cited as pioneers in the development of a comprehensive employment policy: Joseph and Feiss Company (Cleveland, Ohio); R. H. Macy and Company (New York City); Equitable Life Insurance Company (New York City); Art-in-Buttons Company (Rochester, N. Y.); Deering, Milliken and Company (New York City); Cincinnati Milling Machine Co. (Cincinnati, Ohio); American Rolling Mill Co. (Middletown, Ohio); Plimpton Press (Norwood, Mass.); Jeffries' Manufacturing Co. (Columbus, Ohio). For the

In the main these very considerations which are moving some private employers to install a systematic employment policy are no less weighty for the public employer. It may be granted in advance that there are differences as well as similarities between the conditions in public and private employment, but the committee is of the opinion that both the differences and the similarities emphasize the need of centralizing employment control and supervision in some such way as is found in some of our leading private concerns and is being discussed in well organized courses in schools of business administration.

THE DIFFERENCES

1. By way of introduction reference should be made to the policy of checks and balances that is wrought into the very fabric of our government. It has no parallel in the organization of a large corporation. As is well known the legislative body representing the public takes a much more active part in the affairs of government than the typical board of directors in the business of its concern. The former is very jealous of its prerogatives and feels itself to be the protector of the public in a very real way. This opens up an area of differences of opinion that is often the cause of unnecessary friction and lost motion. There is also a further diffusion of authority where the executive and a number of important administrative heads are elected. But in municipal government the growing tendency is to lessen the scope and influence of the system of checks and balances. The short ballot is an outward sign of this tendency. The popularity of the commission, the city manager and the simplified federal forms of government also indicate the development of a more effective type of local government.

As we have pointed out the civil service commission was conceived to check the legislature and executive in their abuse of power. But as we indicated at the end of the preceding section, the committee believes that the conception of the civil service commission as a checking agency should give way to more modern conceptions in keeping with the recent tendencies of government just cited.

It seemed proper to refer at the outset to this decentralization of responsibility which differentiates public from private enterprise because its influence will crop out at various points, and in some quarters it will be the basic cause of opposition to all plans looking toward a realignment of the agencies under discussion.

2. A further outstanding difference is the absence in government of the incentives that spring from the profit motive. This motive is at the bottom not only of the merciless competition, but also of the hope of brilliant success that pervades our business life. Both are potent forces in the business world that have no equivalent in public life. They bring ceaseless pressure to bear from one's superiors and from within the worker himself, and call forth a whole range of incentives that are only partially operative in the civil service. The development of substitute incentives, therefore, is a pressing need and ought to be recognized as one of the chief tasks confronting the public employment agency. The fact is that, generally speaking, the efforts to discover such incentives and make them effective have been up to the present

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statement of a well-rounded "philosophy" of employment management, refer to Tead and Metcalf, Personnel Administration (McGraw, Hill and Company). Rountree's Human Factor in Industry (Longmans Green and Company) presents a convincing picture of applied employment management.

time almost negligible.[25] Public recognition, pride in work well done and the satisfaction that may come from public service itself are motives that are capitalized all too rarely in governmental employment.[26] But no one who knows foreign countries will deny that these may become incentives with real driving power and in many cases even superior to the incentive of self-enrichment and power in the realm of business.

3. On the other hand, influences of a political and personal character are more pervasive in public than in private employment Unquestionably, they have a much wider range for action and are much more potent because of the absence of an accepted employment policy. Adverse influences of this sort are, therefore, a further argument for the adoption of a well-balanced personnel policy. Sound and above-board methods of selection, efficiency ratings, salary increments, promotions and dismissal will surely diminish the subsurface influence of politics and personal "pull." If these are supplemented by machinery for the airing of grievances and by some scheme of representation through which opinions and objections may be registered, real progress will be made against the injustice that is generally felt to be, and that all too often is, inherent in public employment.

4. A fourth difference of major importance that is peculiar to the administration of government is the ceaseless flow of administrative officials whose period of activity is comparatively limited. This makes difficult continuity of policy which is obviously essential if justice is to prevail, but it may also make easy stagnation of policy in spite of changed conditions. Furthermore, since many such officials qualify according to political rather than administrative standards, the danger of arbitrary and uncalled-for changes in established policy and practice is increased. This again emphasizes the desirability of centralized employment control that will be firmly based on the consistent recognition and stimulation of merit.

5. A final important difference is that the public administrator may be much more independent in the conduct of his office than comparable officials in a large private company. The former may have a salary schedule that he has inherited or perhaps set up independently for his own staff. Or he may have his own policy of sick and annual leave, and even in the matter of working hours he may adopt a different schedule than obtains in the neighboring bureau. This lack of co-ordination leads to almost unbelievable inconsistencies and discrepancies within the same bureau and particularly as between different bureaus or departments. It is a most fruitful cause of dissatisfaction among the workers in any given jurisdiction, for it is clear that the employees do not draw departmental lines in making comparisons of such fundamental matters of employment. To them the city or state is the common employer. Justice demands

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[25] "To be helpful, therefore, comparison between commercial and official methods must concern itself with the reward bestowed upon intelligence and the incentive afforded it to realize its highest potentialities. In this comparison, and in the lesson which it teaches, lies the whole secret of civil service reform." Stephen Demetriadi: *A Reform for the Civil Service*, p. 22 (Cassell and Company).

[26] Haldane: "It is quite true, he (the civil servant) has not got what is the great impulse in the business world, namely, the desire to make a fortune for himself, but he has another motive which in my experience is equally potent with the best class of men, namely, the desire to distinguish himself in the service of the state. (*The Problem of Nationalization*, p. 17, Demster House Papers, No. 2.)

that as such it shall adopt a uniform policy, irrespective of departmental or bureau lines. Uniformity in policy evidently calls for the establishment of a central agency.

Another result of autonomous independence on the part of the administrators is that transfers and promotions from one unit to another are rare. In many individual cases this would be to the advantage of the whole government, on the one hand, and would greatly increase, on the other, the total number of opportunities for growth for the whole body of employees. By failing to administer employment under a common head, the government condemns many employees to a limited career and not a few to blind-alley jobs.

Departmental autonomy bears the brunt of the blame also for the practical breakdown of the efficiency rating system in the civil service. Dissimilar standards in neighboring departments and perfunctory handling of the ratings in others are a sufficient cause for the prevailing depreeatory attitude toward efficiency records.[27]

The above are some of the outstanding results caused by the practice of permitting the individual departments so large a measure of independence. Their remedy is evidently centralization in an agency capable of guiding and stimulating various members of the administrative staff to co-operate in the interest of fair dealing and higher personnel standards.

The Similarities

Turning from the differences between public and private employment, let us consider the similarities. In so far as the conditions that impelled private employers to establish an employment department are found in the public field, we may assume that they would naturally move the government to adopt a similar remedy.

1. In the first place, the organization of a special personnel department in industry was due to the size of the working force, necessarily large because of the modern methods involved in large scale production. As is well known, a large and unwieldy body of workers is also found on the pay-rolls of all of our large cities. The data in the Conference Report[28] for the cities in excess of 100,000 population show, for instance, that only two of the municipalities from which total figures of classified employees were received have less than 1,000 names on the payroll. Exclusive of New York with 56,711 and Philadelphia with 15,712 workers, the average number of employees for seven municipalities is 3,580.

Large scale production, whether private or public, has also brought about a segregation of the responsible, policy-determining officials and the rank and file of the workers. Segregation has inevitably involved increasing inaccessibility and consequent lack of understanding and sympathy. In place of personal supervision and control, fixed routine, standardized rules and more or less arbitrary supervisors and foremen have been substituted. It is not strange that this change frequently led to injustice and discontent. To mitigate these evils, the employment department was conceived. Its aim is to inject a personal element in the relationship between employers and workers and to see to it that none of the important employment functions shall be neglected or go by the board. This is quite in line with the modern trend in management to organize along functional lines.

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[27] "I see no future for efficiency records. The command of the law to enforce efficiency records was at first followed with enthusiasm, but nowhere did it work well. The fact is that the law in this particular is not obeyed. I have gone afield and studied efficiency records in Chicago, New York and Washington. Nowhere are they a success." Chas. W. Reed, framer of the law and for eight years a member of the California civil service commission (Transactions of the Commonwealth Club of California, December, 1921, p. 323). This is a fairly typical opinion among those who belong to the well-wishers of civil service. There is, of course, a number of able commissioners and examiners who are more hopeful and a smaller number who are operating a rating scheme successfully. In general, however, the attitude is one of disillusionment.

[28] Cf. Conference Committee Report, pp. 86, 87.

The employment department becomes thus the human relations department. It vitalizes and humanizes the necessary machinery of control and brings the ultimate employer and the rank and file worker in touch with one another. In order to maintain the flow of personal contacts so necessary for fruitful co-operation, it both keeps the channel open to all who have a grievance, but it also stimulates expression and suggestion by the organization of plant committees and other representative agencies.

2. Mass organization also brings in its trail the necessity of depending on subordinates for the execution of employment policy. Even though the chief administrator may be interested in putting an enlightened personnel policy into effect, his plans may easily be frustrated by lack of co-operation on the part of his subordinates. In industry one hears much of "foremanizing" and training of executives. These are tasks that properly belong to the personnel division. It serves as the medium of the chief executive who cannot make and cannot personally control those contacts that, taken together, determine the policy of his company.

In civil service the same problem appears, and perhaps by comparison in an aggravated form. Changes in personnel policy are often stubbornly withstood by the permanent supervisory force. There is all too often something of that respect for and insistence on authority among civil workers that smacks of the military régime. This makes the supervisory force peculiarly jealous of its traditional and frequently petty prerogatives. Then too there is a deep-seated loyalty to governmental routine that naturally resists all change. These conditions are cited because they give added emphasis to the need of "foremanizing" and training executives in the way that has been found so profitable in some large private organizations. It is of no less importance that some responsible agency should supplement the efforts of the members of the administrative staff in interpreting the policy of those in ultimate control.

3. The extent and complexity of modern organization makes possible neglect and oversight in all sorts of directions. This applies particularly to the work environment. Lighting, ventilation and heat, safety, cleanliness and sanitary conditions cannot wisely be committed to the janitor and his assistants, much less be expected to take care of themselves. To maintain proper standards and make changes in line with modern improvements requires constant vigilance. It has been found practicable in many concerns to vest general supervision and possibly detailed control of these matters in the employment department.

The public as employer is far from immune in these respects. Our experience with employment conditions in government goes to prove that there is hardly a municipality in which good, reasonable standards are not being violated in at least one department or building under public control. An investigator who completed a survey of some of the buildings in Washington two or three years ago went so far in fact as to state that a first-class factory inspector would not tolerate for one minute the conditions under which large numbers of the federal employees were working. Inquiry usually goes to show such a situation is due to the fact that nobody is specifically charged with the duty of periodically checking up working conditions and at the same time authorized to set the necessary wheels in motion so that desirable repairs and improvements may be promptly made.

SOLUTION: A CENTRAL AGENCY

The foregoing comparisons have pointed to the need of a central personnel agency as the natural and logical outcome of an analysis of employment problems. In industry this is the accepted solution. In spite of the belief in certain quarters that some action must be taken to remedy employment conditions in the public service, there have been objections to concentrating personnel functions under the authority of the civil service commission. It may be profitable, therefore, to consider the feasibility and desirability of the proposal that the civil service commission should restrict its activities to the work of recruitment and selection,[29] while another special body should be charged with the other personnel functions.

The committee takes exception to this proposal on the following grounds: That such a distribution is not in keeping with the civil service laws, nor with the principles of good organization, nor, what is more, with accepted practice in certain civil service jurisdictions.

1. An analysis of the typical civil service law shows that the commission was conceived to all intents and purposes by the framers of the law as a public personnel agency. The returns listed in Appendices II and III of the Conference Committee Report indicate, for example, that in addition to examination, certification and the keeping of personal records, the commissions of 22 of the 23 cities considered have the power to classify positions according to duties; 11 may recommend changes in rates of pay; 20 may check the pay-rolls; 7 have some responsibility for efficiency ratings; 19 give promotion examinations; 15 serve as a trial board in case of dismissal. Taken altogether, this constitutes a fairly comprehensive employment policy, and warrants the assertion that the central employment department was conceived in the public service decades before it was adopted to any noticeable extent in private industry. It is for this reason that Morris L. Cooke[30] and Henry M. Waite,[31] two engineers of recognized achievement both in public and private fields, can look to the civil service commission to accomplish what is being attempted in employment matters in industry.

2. Modern principles of organization call for distribution of activities according to function. Examination, selection, placement, probation, transfer, classification, etc., are all so closely interrelated that it seems quite impossible to break the series at one point or another. Let us take an illustration. Since the examining agency must be

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[29] This proposal has been recently argued with a great deal of care and cogency by Lewis Mayers in The Federal Service, 529 ff. Although referring to the federal service, many of the arguments cited have been advanced with reference to the municipal service.

[30] "Thus we assumed that our civil service laws were only a codification of the best practices of private business." *Our Cities Awake*, p. 162.

[31] "Civil service, properly regulated, fairly enforced, can accomplish many of the things in public work that industry is now attempting." Civil Service in the City Manager Plan, *National Municipal Review*, Vol. X, 408.

so well acquainted with the positions for examination and placement purposes that it could readily classify them, why should another agency be called in to group them in classes? It is very conceivable that a sub-division of the central personnel agency would be responsible for examinations and certification, but the members of this subdivision should pool their information about positions for the whole range of functions and draw from the common pool as circumstances dictated.[32]

In case the civil service commission is to be made merely a recruiting office, it would be in the interest of sound management to eliminate it altogether and assign this function to the agency responsible for the other personnel activities. If the spoils-curbing aspect of employment is made subordinate and incidental, as with a good examination system it should be, there is no reason why selection should be separated from the other essential and interrelated functions.

3. The feasibility of combining all personnel activities under one administrative office is fully demonstrated to-day in the British dominions.[33] But in this country too the practice or the program of certain commissions look toward just this goal. Training, uniform efficiency ratings and appeals have received special attention.[34]

Furthermore, if the plans outlined two years ago in an executive order by President Harding are ever put into effect it should give a decided impetus to the development of centralized personnel administration for the whole body of civil servants—federal, state and municipal. In line with a previous statement urging that "the time had come for the federal government to organize its agencies of employment in accordance with the principles which had been tested and proved by the best modern business practice," President Harding ordered the organization of a federal personnel board that was to operate under the supervision of the United States civil service commission and to consist of a representative from each department and independent establishment. As expressed in the order, "the duties of the board shall be to formulate policies and plans designed to place the personnel administration of the federal government abreast of the best practice in private enterprise, with due regard to the peculiarities of the public service." A number of particular duties are specified. They include recommendations for probation, training, service-wide transfer and promotions, standard hours and leaves, as well as "other matters designed to obtain effectiveness of the public service."

If this executive order is finally carried out consistently with the purpose that animated it, we shall have in this country a practical demonstration of the feasibility of centralizing the most important personnel functions under the supervision of a single agency. This agency would naturally be responsible for examination and selection as is the case in certain of the foreign countries considered in the article referred to below.

The most thoughtful men who have been interested in civil service either from within the civil service commissions or from organizations interested in civil service problems are all but unanimous in the belief that future progress in the standards of our public employees lies in the direction of the application of up-to-date personnel administration to government workers and the utilization of the civil service commission as the administrative agency. This group includes leading civil service commissioners, secretaries and chief examiners, but also the officials of the National Civil Service Reform League and of the Governmental Research Conference. The annual reports of progressive civil service commissions, of the proceedings of the National Assembly of Civil Service Commissions and the special committee report of the Conference already cited give ample testimony to this fact.

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[32] This subdivision actually occurs under the Canadian civil service commission. They have an examination branch and an organization branch. Among other duties, the latter classifies positions.

[33] Cf. detailed treatment of the civil service abroad in the *National Municipal Review*, 1923.

[34] Cf. Reports of the Wisconsin, New Jersey, New York and New York city commissions.

CHAPTER III

PROPOSED PUBLIC EMPLOYMENT POLICY

With the primary aim of stimulating discussion the committee submits in this section the outline of an employment policy that in their judgment is in line with the standards and purposes set forth in the foregoing sections.

The fundamental plank in the committee's proposal is centralized employment control. "Control" is not used in its absolute sense. The type of control here referred to is of a supervisory character. It aims at the coordination of employment policy in the administrative agencies; and it functions through co-operation with them. That is to say, that centralized control as it is used here does not involve such functions as wage determination, the original preparation of efficiency ratings and the like. The execution of this policy calls for an agency with sufficient standing and equipment to serve as a clearing house and control center on personnel matters. Inasmuch as the typical municipal government has in the civil service commission an employment agency already exercising certain of the functions regularly performed by a central division of employment and inasmuch as the title and general purposes of the commission are so widely understood and accepted, and finally in the knowledge that civil service commissions both here and abroad are co-operating fruitfully and constructively with the rest of the administration, as an efficient personnel agency should, the committee recommends that the civil service commission shall be made the central agency supervising the administration of the personnel policy wherever a commission is already operating and that a civil service commission charged with similar functions be installed in other municipalities.[35]

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[35] In the states in which the conduct of the municipal civil service is centralized in the state civil service commission, as in Massachusetts and New Jersey, it is urged that the local representative of the commission be selected for his ability to handle personnel matters in a broad way and that he be instructed to perform for the municipal employees the functions described in the following paragraphs; on the other hand, if there is no resident representative of the state commission in the various municipalities, it is recommended that some member of the local body of municipal employees be designated by the chief executive in consultation with the civil service commission to perform the duties properly ascribed to the personnel division. He would not alone serve as the liason officer with the state civil service commission, but would also develop the personnel policy. In the large cities this would probably be a full time position. The former recommendation applies largely to New Jersey and the latter to Massachusetts.

Furthermore, since employment administration now has its own technique and a body of well-developed standards, the committee also recommends that the present board or commission consisting of three members, who, as we have pointed out, may or may not be qualified for their duties, be superseded by a single civil service commissioner who is selected because of his acquaintance with employment problems and modern methods of attacking them.

Finally, since such an extension of function and activity as here contemplated will involve radical changes in the personnel of the commission and an increase in the staff, it is further recommended that the annual appropriation be materially increased.

A comprehensive and detailed summary of the committee's suggestions which look toward a reconstitution of the civil service commission follows:

RECONSTITUTION OF THE CIVIL SERVICE COMMISSION

Membership:

A single civil service commissioner.

Term of Office:

The period of tenure is indeterminate.

Method of Appointment and Removal:

The commissioner is to be selected as a result of a competitive examination given by a special board. The examining board is to consist of three members each of whom is to be experienced in the field of employment, either public or private, but one of whom must have recognized standing as a commissioner, secretary or chief examiner of a civil service commission.

One member of this board examining the candidates for the commissionership is to be appointed by the mayor or comparable executive official or executive body,[36] the second member is to be appointed by the local superintendent of schools and the third member is to be appointed by the former two members.

Upon appointment the examining board shall take steps to advertise a competitive examination open to all qualified candidates, and also to stimulate competent and experienced men to enter the examination.

The methods of publicity shall be similar to those adopted by the local civil service commission in advertising examinations for positions of comparable importance. It is suggested that the primary prerequisite for applicants shall be acquaintance with the administration of personnel in an organization of workers, relative in size at least to the body of public employees in the jurisdiction for which the appointment is to be made. Such experience may have been either in public or private employment.

The three names highest on the list resulting from the competitive examination shall be submitted to the executive official or body, from which list one name shall be designated by the executive as the civil service commissioner.

The first six months of service of the civil service commissioner shall be considered a probationary period when he may be removed by the appointing official or body. Beyond this period removal shall be only for cause and after written notice and a public hearing.

FUNCTIONS

The commissioner shall perform all functions properly pertaining to the personnel division of the municipal administration. These include centralized administration of the employment policy according to modern standards with regard to selection, placement, probation, transfer, ratings, removal and kindred matters and in recommending rates of compensation. This program requires close co-operation with other administrative heads. The so-called legislative and judicial functions of the civil service commission are also included. It is urged that as to the former the rules and regulations issued by the commissioner shall have the force of law and as to the latter that the right of appeal to the commissioner be granted all employees in matters of discipline, promotion and demotion, and the like.

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[36] In a city manager city, the city manager would make this appointment.

Salary

The commissioner is to receive a salary equal to that of the head of the major departments, of the local government, except in the smaller jurisdictions, where it is to be commensurate to his duties and proportionate to the scale paid officials of like responsibility.

Appropriations

Appropriations for the work of the commissioner are to be adequate to perform the functions listed above. It is suggested that the amount of the annual appropriation should be proportionate to the total amount of the annual pay-roll.

Civil Service Personnel Committees

The civil service commissioner shall be authorized to establish official personnel committees for each class of service in the government, these committees in turn electing representatives to serve on a central personnel committee for the whole group of civil service employees. The committees are to consist in equal parts of those designated from the supervisory and administrative officials by the chief executive and of those representatives chosen from the rank and file by the employees themselves.

It shall be the function of the personnel committees to meet with, to advise and co-operate with the civil service commissioner in the determination and development of the employment and administrative policy. The purpose of this co-operation shall be to promote the well-being of public employees and to improve the efficiency and standards of public service.

Explanations and Discussion of Advantages of Plan

CENTRALIZED EMPLOYMENT SUPERVISION

The outstanding advantages of centralizing employment supervision under a single qualified head would be that vital personnel matters, which so often go to-day at sixes and sevens, will be handled under this arrangement uniformly, systematically and according to accepted standards. Whether it is a question of salary or tardiness, it will be the business of the division of personnel to see to it that the common employer, that is the government, shall treat all justly and wisely. It is to be expected that the commissioner will be a man trained to anticipate and cope with dissatisfaction before it bears fruit in the form of lessened interest and lowered efficiency. That is to say, that the government would treat its workers with no less systematic attention than it is accustomed to handle its machinery. Rule of thumb methods, neglect, or spasmodic considerations of important problems are not conductive to the maintenance of morale, a prime condition of maximum production.

Instead of a quasi-isolated civil service commission, the proposal contemplates a personnel agency that would be part and parcel of the administration and of equal rank and authority with the other centralized agencies like the budget division and the central purchasing department. "Keeping the rascals out" will fall far short of describing the work of such an agency, just as it does in the case of some of our municipal commissioners to-day. It will rather find its attention fully absorbed by the task of securing and holding the most fit. The modern city with its manifold obligations, called upon to aid and protect its citizens in practically all vital relations, must now compete with the best employers for the best workers. To do this there must be an alert and responsible administrator carrying on a well-conceived and enlightened employment policy.

THE COMMISSIONER

The results of the most usual method of appointing commissioners in vogue to-day, namely appointment by the executive, have sufficiently proved that the chief executive, himself the choice of a political faction, does not ordinarily free himself from political and personal considerations in making appointments to the commission. We have then the anomaly of an agency, called into being to safeguard the administration from politics and to advance merit in appointments, itself composed of members chosen along political lines and without any special reference to their fitness for handling involved and extensive employment matters.

These circumstances point to the desirability of committing the selection to some outside non-political examining board that would be primarily interested in securing well-qualified candidates for the position of civil service commissioner. As it is obviously undesirable to transfer the authority for so important an appointment as that of the head of the personnel division to a board entirely unresponsive to the executive head of the government, it is proposed that the mayor or comparable executive in the commission or city manager form of government name one of the three members of the examining board and that the superintendent of schools name a second member while these two name the third. It is further understood that all of the members so named to sit on the examining board shall themselves be acquainted with employment problems and qualified to choose candidates who are competent to handle an employment department. It also seemed appropriate to prescribe that at least one of the three members of the examining board should have acquaintance with public employment in connection with a civil service commission.

The reason for suggesting that the superintendent of schools be associated with the mayor in naming one member to the examining board is that of all public officials in the typical American city he is likely to be least subjected to local political influences. As his only function in the proposed scheme is to nominate to the examining board a single person who has had employment experience, it is not likely that there will be any temptation to bring undue pressure to bear on him or to entangle him in local political affairs.

It will be seen that the above scheme gives the chief executive a considerable amount of discretion. In the first place, he has the right to appoint practically one and one-half members of the examining board, and the further right to select one of the three eligibles on the list submitted by the examining board.

The constitution of the examining board should be a guarantee of the qualifications of the candidates submitted to the mayor, both as regards their interest in furthering merit principles, their desire to co-operate with administrative officials and their ability to operate the city's employment policy along modern lines.

Under this plan the mayor or comparable executive authority would have the privilege of removal, but only after the filing of charges at a public hearing. Because of the importance of maintaining harmonious relations between the executive and the personnel division of government, the removing power rests ultimately with the executive. As was previously pointed out, the personnel division cannot function properly unless it becomes more and more part and parcel of the administration. In the judgment of the committee, real co-operation presupposes that the executive head of the government shall be permitted to dispense with the services of an incumbent who for good and sufficient reasons proves to be no longer acceptable to his administration. A safeguard against abuse of the removing power is found in the provision that the reasons for removal must be stated in writing, and that if desired the commissioner shall have the right to a hearing before the executive. This procedure has proved to be an effective check against arbitrary action, and as public opinion becomes more interested in administrative matters, it is bound to become more and more so.

It is strongly urged that the head of the personnel division shall be retained as a matter of practice so long as he is performing competent and satisfactory service, irrespective of changes in the administration. His experience, his wide acquaintance both with employees and employment conditions, should increase his value as time goes on. The civil service commissioner should, therefore, come to be looked upon as an administrative official without policy-determining functions of a major character and, accordingly, one whose period of appointment would terminate only because of incompetency or some valid reason. Such relative permanency will do much toward making the position attractive to the type of men who should be found increasingly in the responsible office of civil service commissioner.

Compensation

As the commissioner is to be responsible for the human relations and adjustments which affect hundreds and in many cases thousands of employees, it is important that he should be a high-grade man and one capable of dealing on an equal footing with the ablest members of the administrative staff. His personal power, tact and experience will go far toward overcoming the opposition and prejudice of such administrative officials as resent "interference" with their own employees.[37] In the earlier stages, particularly, the commissioner must win the co-operation of his associates and prove to them that in the long run this centralization of supervision of personnel conditions is in the interest of efficient administration. To secure a man of the requisite caliber for this responsible and difficult work will demand a fairly high salary and one that must compare with those paid other high administrative officials.

A partial and, in some cases, a complete offset for the high salary suggested for the commissioner will be brought about by the elimination of the salaries now distributed among three or more commissioners who devote only a limited amount of time to this work.[38]

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[37] Many department heads, although not actually antagonistic to civil service work, have resented what they chose to term "interference" in their placement of employees, feeling that promotions, transfers, increased compensation and other details should be left entirely to their judgment." From 1921 report of civil service commission of San Diego, Calif., p. 8.

[38] The present custom of paying three or more commissioners for part time is wasteful. Some

FUNCTIONS

The functions ascribed to the commission are a combination of those usually performed by a civil service commission with those assigned to the employment division according to modern conceptions of employment management.

As to the former, the typical municipal civil service commission usually exercises administrative, legislative and judicial functions. The administrative normally cover employing, recording, and control of the classified positions. Employment involves recruiting applicants, examining them and setting up lists of eligible candidates. The records include all important changes in the employment history of the classified employees, from entrance to separation from the service. Control of the classified service calls for decisions as to whether positions belong to the exempt class, the non-competitive class or whether they may be filled by provisional appointees.

The legislative functions have to do with the promulgation of rules and regulations, usually with the authority of law.[39] These rules and regulations are the administrative code of the commission, as it were, and embody the policy whereby it aims to carry out the basic civil service law. The factors that enter into this policy as well as its scope are definitely prescribed in the law itself. In other words, the right of policy determination, so far as the commission is concerned, is circumscribed and has to do with administrative detail.

Again, more frequently than not, judicial functions are also attributed to the civil service commission in that it is a final court of appeal in major matters of discipline. So far as the records go, only a surprisingly small number of appeals are carried to the commission. It is true that in a few isolated instances the privilege of appeal has proved to be a drain on the commission's time but even in such cases it may be anticipated that this danger will be avoided if an experienced and competent man were appointed to the position. In the first place, if the commissioner is tactful and deals with appellants in advance of formal appeal, we may safely predict that the number of appeals would be inconsiderable. Furthermore, if the commissioner is really filling his position as an experienced employment manager, he would investigate, as a matter of routine, all possible points of friction and disagreement for the purpose of forestalling appeals. This would naturally lead to a reduction and ultimately to an elimination of the causes of appeals.

In order to indicate that the proposal to assign to the civil service commission the functions usually performed by a modern employment department is light is thrown on this by the following data taken from Appendix II of the Conference Committee Report (pp. 75, 100 f.) and the original questionnaires:

City	*Number of Commissioners*	*Aggregate Annual Salary*	*Average Number Hours per Week*
Cincinnati	3	4,500	5
Cleveland	3	6,000	3
Detroit	4	8,500	2–5
Milwaukee	3	1,440	3
Rochester	3	3,000	"Not Extensive"

If the aggregate amount were lumped and paid a single commissioner as proposed above, it would be possible in most of these cities to attract a man of first-rate caliber.

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[39] This occurs in 13 of the 24 cities considered in the Conference Committee Report, p. 20.

nothing revolutionary and will require no considerable change in the laws and statutes under which the civil service commission is operating, a summary has been given above (p. 457) of the functions either performed by or ascribed to the civil service commissions investigated in the Conference Committee Report of the Governmental Research Conference.

Among the functions commonly appearing in civil service laws are the following: classification of positions according to duties, recommendations of proper rates of pay, supervision of co-operation in the efficiency rating system, holding of promotion examinations, handling of appeals in cases of discipline and dismissals and, finally, the power of investigating the operation of the civil service law.[40]

Taken altogether the above comprises a rather comprehensive employment program.[41] It indicates that the civil service commission was originally conceived by the framers of the early civil service law, as the central employment division. It also warrants the conclusion that the proposal of the commission can be carried out in most important directions without special enabling legislation. As a matter of fact there would probably be no objection on legal grounds if the chief executive should commission the civil service commissioner to perform functions along the lines discussed, even when no provision were found in the civil service law.

APPROPRIATIONS

It goes without saying that however admirable the plan of organization may be and however capable the commissioner proves to be, he cannot get results without adequate staff and office assistance. On account of the large number of variables, it is obviously quite difficult to make specific recommendations as to the amount that ought to be appropriated for the civil service commission and personnel division. But in the belief that there is an inherent connection between the amount expended on the pay-roll and the amount appropriated for the use of the civil service commission, a comparison of these items was made in nine of our larger cities.[42] It appears that the average percentage of the total

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[40] The Conference Committee Report (pp. 79, 80) shows that in 20 of the 24 cities the civil service commissions are empowered to investigate the operation of the civil service law and in 11 the efficiency of the organization units as well.

[41] Compare outline of the functions of the personnel department in "Personnel Administrations," Tead and Metcalf, Chapter IV. For a summary statement of the functions performed as well as those implied in the suggestion just outlined see the Appendix.

[42] The following data found on p. 99 of the Conference Committee Report and in special questionnaires show the disproportion between appropriations to the civil service commission and to the total pay-roll item:

City	*Appropriations to Pay-roll*	*Appropriations to Civil Service Commission*	*Percentage*
Philadelphia	$30,000,000	$65,000	.21 of 1%
Cleveland (1922)	10,486,000	15,928	.15 of 1%
Seattle	9,800,000	27,320	.27 of 1%
Buffalo	9,079,972	19,365	.2 of 1%
Los Angeles	6,010,252	24,270	.4 of 1%
Portland	2,802,484	6,330	.22 of 1%
Yonkers	1,752,349.04	4,320	.24 of 1%
Dayton	1,303,940	5,491	.4 of 1%
Spokane (1922)	1,180,408	2,155	.18 of 1%

pay-roll made available for the civil service commission was but slightly more than two and one-half tenths of 1 per cent.[43]

Data compiled by a committee of the National Association of Employment Managers for the year 1919 form a marked contrast to the above figure. It appears from this report that of 33 private firms scattered throughout the eastern states only 2 were allotting so low a percentage of the pay-roll to personnel department activities as is the case in the list of cities found above. The average expenditure for 31 firms was 1.83 per cent of the pay-roll, or seven times more than the average spent by the civil service commissions considered.

In view of the above comparison, but also in consideration of what the civil service commissions have been able to accomplish with their appropriations in the past and finally taking into account the increased functions here suggested, the committee would propose simply as a basis of discussion and with reference to the medium-sized commissions, that approximately 1 per cent of the total pay-roll might well be appropriated for the operations of the municipal civil service commissioner.[44] Whatever is appropriated should of course be determined, as it is in other departments, namely with reference to the legitimate needs of the work as these are demonstrated to the proper fiscal and reviewing authority, and to the state of the city's finances.

One outstanding justification for materially increasing the appropriation to the civil service commissioner is the obvious need of making first-hand acquaintance with the actual positions and their incumbents. This holds equally for purposes of examinations, efficiency ratings, promotions, transfers and dismissals. Such a program requires a considerable staff and a capable one whose members will frequently be found in the departments looking for and bringing together pertinent information. What a change this involves may be understood when one thinks of the usual civil service commission of the present which owes such a large percentage of its contacts with the positions to be filled and the personnel of the force to memoranda, personal appeals and telephone conversations.

A competent and adequate staff is the crux of the matter. If the appropriating body does not see fit to supply the necessary finances the program will fall of its own weight. Once appreciating the importance, however, of having a body of civil servants who are really "fit," those on the appropriating body need only put the annual estimates of the civil service commission and personnel division to the same test as in the case of other departments, namely, need, relative importance and what the city can afford. If the type of commission here proposed is financed proportionately to the other departments, it should gradually raise the civil service to a new level of efficiency and give it the standing which it rightly deserves. This expense can be amply justified by application of the formula of retrenchment which we have adopted, i.e., "wiser spending."

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[43] It should be pointed out that the total pay-roll includes salaries for the unclassified as well as the classified group of employees. But even when due allowance is made for this, the percentage appropriated for the purposes of the commission is obviously inadequate, particularly if the functions of the commission are to be expanded as is here proposed.

[44] This same provision is found in the constitutional amendment proposed by the civil service section of the Commonwealth Club of California, which provides for a continuing appropriation for the work of the civil service commission of not less than 1 per cent of the annual salary rolls within the jurisdiction of the commission (Transactions, December, 1921, p. 345). This seems a sounder basis for determining amount of appropriations than either assessments or population. For the former cf. the law for Milwaukee; for the latter that of Minneapolis.

PERSONNEL COMMITTEES

The committee's recommendation for an organization of the employees into personnel committees is based on the New Jersey statute for the civil service of the state government. The only important variations from the New Jersey plan are: (1) that the committees have equal representation of the staff and the rank and file, and (2) the specific provision of a central committee that would embrace representation from the various organizations of government grouped along service lines, such as the labor, the clerical, and the professinal and technical classes of workers.

It should be pointed out in this connection that the success of the whole plan of employee representation will largely depend on the type of leadership shown by the civil service commission. Recent evidence on the necessity of leadership has been compiled after a nation-wide study by the National Industrial Conference Board.[45] The report points out (pp. 4 ff.), that one of the chief causes of the breakdown of the works' council plan where it has broken down has been the failure of the management to win the employees for the plan, and further, when the committees were engrossed in grievances and complaints, it is claimed that this was due to the failure of the management to take an active interest in the employees' organization and to direct their attention to more constructive activities. However, according to the report, wherever real co-operation was brought about, it led to an increasing interest on the part of employees in the efficient and economical operation of the plants concerned,[46] and also to a marked improvement in the relations between management and men.

So far as employee representation in government is concerned, the federal post office department is the only government organization where a committee system is being operated on a broad scale. The committees are called service councils. According to the report of the department 405 of these had been established on October 1, 1922, in first-class post offices and 309 in second-class offices. Among them are found some striking examples of successful operation in offices ranging in size from 22 employees to 15,000. The interest of the postmasters in the plan is said to have been an important factor in its success and "whenever this interest has been especially keen the councils have been certain to work towards efficiency and co-operation."

The committee recommends, therefore, that the civil service commissioner should recognize his responsibility for launching and guiding the personnel committees here proposed. There is every reason to suppose that if properly utilized they will serve as a means of improving methods, of increasing the standard of efficiency and, above all, of stimulating the interest in work that is the main objective of modern personnel management.

SUMMARY

In the foregoing chapters the committee has referred to government as one of the major industries of the country and one in which, both on account of its functions and the size of its aggregate pay-roll, personnel standards are of prime importance. Maintaining that the character of the work of government is peculiarly dependent on the efficiency of the personnel, the committee urged that the program of retrenchment or "wiser spending" should take cognizance of the personnel situation in the public service. An analysis of this went to show that the low standards so frequently encountered were due to a number of factors, chief among which was the distribution of authority for personnel and restrictions of various sorts that hampered, if they did not prevent, the performance of essential functions assigned to the civil service commission. This led to the conclusion that the civil service commission or some comparable central agency should be made responsible for the employment policy and should be given the authority and the funds to administer this policy in line with the modern methods. Certain methods met with in private enterprise were then considered with reference to their applicability to the public service. Thereupon, the committee suggested the manner in which the civil service commission might be changed in order to meet the demand for an effective personnel agency. The following outline brings together the main features of the proposed organization:

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[45] Experience with Works Councils in the United States, Research Report, No. 50, May, 1922.

[46] One purpose of the action of workers' committees is "to make each worker an efficiency engineer." Tead and Metcalf, p. 211.

Executive head
- Civil service commissioner.

Selected by
- Special examining board of 3, all of whom are experienced in the field of employment. One examiner to be appointed by executive, one by local superintendent of schools, and a third by the first two—at least one to be officially connected with a civil service commission.

Appointed by
- Mayor, commission or city manager from list of 3 submitted by examining board.

Dismissed by
- Mayor, commission or city manager after filing of charges and public hearing.

Salary
- Equal to that of administrative officer of similar responsibility.

Function
- Administration or co-operation in administration of employment and personnel policy, covering selection, placement, probation, transfer, ratings, removals, recommendations of salary rates, etc.

The proposed civil service commission should differ from the present typical civil service commission in that it should more nearly become an integral part of the administration, supervising and co-operating in all phases that affect the personnel. Its supreme task will be to give government service the standing and reputation of one of our great industries. It must make the government a good employer and one for whom its employees are proud to work. It is of the utmost importance that the schools and universities and public opinion should be mobilized so that our civil service can be recruited from the best candidates as is the case in the great foreign countries.[47] Such an achievement will necessarily be preceded by the inauguration of comprehensive and well-administered methods of employment control. This calls for constructive leadership of the highest order and consequently for a leader of personality and power. In a word, the civil service commission must be a constructive administrative agency with a staff and a chief of staff qualified to meet the far-reaching responsibilities involved in public personnel management.

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[47] "The normal flow of qualified juniors into the public service is the basis of both efficient and economical administration." 25th Annual Report of the Public Service Board, New South Wales (p. 4).

Not for the purpose of disarming criticism by anticipating it, but rather out of the most genuine conviction, the committee wishes to conclude its report by paying its tribute to the great body of public servants whose interest and intelligence and devotion to the public good is the backbone of our public administration. Members of this body are found in every jurisdiction, even in the "typical municipality" and the "typical commission" of which we have written so much. This tribute applies with special force to those civil service commissions that are successfully forging ahead and blazing the trail in spite of traditional prejudice and financial need. We have been moved to dwell on unfavorable typical conditions because they are typical and because we believed that by arousing public interest in them we might hasten the time when the municipal government will become a model employer and the citizens of our municipalities will grant the public employees the status and prestige their positions so fully deserve.

Appendix

SUMMARY OF FUNCTIONS OF THE CIVIL SERVICE COMMISSION AS A PERSONNEL AGENCY

I. Customarily or frequently performed
  1. Administrative
    a. Classification into competitive, non-competitive, exempt and labor classes
    b. Selection: recruiting, examination, certification
    c. Classification on basis of duties (*e.g.* administrative, clerical, medical, engineering, labor, etc.) and standardization of salaries
    d. Transfers
    e. Promotion examinations
    f. Checking pay-rolls
    g. Personal records
    h. Investigations as to operation of the civil service law
  2. Legislative
    a. Promulgation of rules and regulations
  3. Judicial
    a. Appeals in disciplinary cases

II. Occasionally performed
  1. Administrative
    a. Follow-up in probationary period
    b. Supervision of efficiency ratings
    c. Supervision over hours of work
    d. Supervision over annual and sick leave
    e. Recommendation of wage changes to legislative body (both currently and on special occasions)
    f. Stimulation and development of training opportunities

III. To be performed in a planning or advisory capacity
  1. Administrative
    a. Supervision over time-keeping (absenteeism and tardiness)
    b. Supervision over conditions of work (light, heat, cleanliness)
    c. Supervision over health and safety

CO-OPERATION BETWEEN PERSONNEL AUTHORITY AND DEPARTMENT HEAD

BY LEONARD D. WHITE

University of Chicago

THE report of the special committee on civil service may be briefly summarized in the following terms:

1. A review of the present status of the municipal civil service, leading to the expression of opinion that in the typical municipal civil service commission the work is not well done.
2. A review of the personnel activities in private employment leading to the expression of opinion that the civil service commissions can learn from the methods of private employers.
3. Certain positive recommendations providing for centralized co-ordination of the employment policy through a single civil service commissioner with an indefinite term of office, appointed by the chief executive of the city from a list of three made up by a special examining board consisting of three members, one of whom is appointed by the chief executive, another by the superintendent of schools and the third by these two members acting together. The recommendations include also a salary for the civil service commissioner equal to that of the head of major departments of the local government, appropriations for the work of the commissioner on a larger scale than has hitherto been the case, and finally civil service personnel committees chosen in equal parts from the administration officials and from the rank and file.

A NEW TYPE OF CIVIL SERVICE COMMISSION

Waiving any criticism of details of statement this report is a well thought out and carefully stated plea for a new type of civil service commission with emphasis to be laid in the future on constructive personnel organization, rather than the negative function of protection against spoilsmen. The current movement for improvement of the civil service commission owes much to the committee which prepared this report and also to the Governmental Research Conference report on which the present review is largely based.

An important point raised by the report relates to the underlying assumption on the part of the committee that the new method of selection would bring about that degree of co-operation between the personnel authority and the heads of departments, which is rightly stated to be the *sine qua non* of efficient personnel activity. Throughout the report the committee stresses this factor of co-operation. The question may fairly be raised, however, whether the method of selection proposed for the civil service commissioner is not one which would tend definitely to hinder the growth of that spirit of co-operation which is rightly held to be so important. The committee holds the opinion that the shifting of emphasis from the critical and negative function of defeating the spoilsman to the positive function of performing service for the departments will lead "as a matter of course" to the co-operation desired. But the committee is unwilling to trust the chief executive with the power of appointment of the civil service commissioner, thus revealing a suspicion, perhaps well grounded, that it is still necessary for this negative function to be performed; and the method of selection proposed is one which is defended chiefly on the ground that the commission must be protected so that it can effectively perform this negative function of defeating the spoilsman. Although the chief executive is given considerable leeway in the selection of a commissioner, the method of selection proposed inevitably would mark the civil service commissioner as an official not the direct choice of the chief executive and not subject as closely as other department heads to the co-ordinating and directing influence of the mayor.

FREEDOM FOR APPOINTING AUTHORITY

The method of selection and the justification therefor does not accordingly seem to be in harmony with the underlying idea of the committee that the success of the personnel work must lie in a large degree in the extent of voluntary co-operation which can be set up between the chief executive and the department heads on the one hand and the civil service commission on the other hand.

It may be suggested that the most effective way of securing such co-operation is to permit the mayor to select his civil service commission with as much freedom as he selects other heads of departments, to require that the selection be made from persons who have had a stated, specific experience in personnel matters and to depend upon elections to secure that kind of a mayor who will make the proper selection in the first place, and who will insist upon co-operation in the second place. Without the right kind of chief executive no machinery for the selection of the civil service commissioner can be really effective, and while reliance upon the results of an election to get the right kind of a mayor will certainly lead to many disappointments, it may be nevertheless that this is an essential part of the education of a democracy in the task of self-government.

THE SELECTION OF THE CIVIL SERVICE COMMISSIONER

APPOINTING POWER SHOULD HAVE FULL FREEDOM

BY ALFRED BETTMAN

Cincinnati

I HAVE read with great interest report of the committee on the present status of municipal civil service, and wish to congratulate the committee upon it. It strikes me as comprehensive, keen, valid and constructive. Except for one item, to be discussed, I agree with it in every respect and am discussing this one item, since I am sure the reader will not care to have me elaborate upon those features of the report with which I agree.

The only point about which there is some question in my mind is the requirement of a competitive examination by a special board for the civil service commissioner. The report rightly points out that the civil service commissioner should be treated as a co-ordinate part of the city administration and not an outsider checking the administration. It would, it seems to me, develop this sound idea, that the civil service commissioner is simply the head of the personnel department of the administration, if the head of the administration, that is, the chief appointing power, has the same freedom in the appointment of the civil service commissioner that he has in the appointment of any other department head. The commissioner should be his man and not somebody imposed upon him. He should have the same responsibility for a good selection of the head of his personnel department as the heads of his other departments. The special competitive examination by a special examining board strikes me as an illogical retention of the checks and balance system.

CIVIL SERVICE AND THE CITY MANAGER[1]

BY CLYDE L. SEAVEY

Former City Manager of Sacramento, California

It has frequently been stated in print and in public address that the city manager form of government and civil service are absolutely antagonistic to each other, and that the city manager form of government could not exist unless civil service were eliminated. I don't believe that. There are different kinds of civil service. A proper kind of civil service can operate and be of immense value under the manager form of government, as well as it can under any form of government. I believe that civil service as a method of qualifying people for positions and employment is a necessity under the city manager form of government, and a necessity for proper administration under any form of government. Neither the city manager nor any one else appointing should be in a position where he could absolutely personally control all of his appointments; not his appointees mind you, but his appointments. I believe that he should, for his own benefit, as well as for the benefit of the public and the administration, be compelled to go to a qualified list to appoint. But I do not believe that the city manager or any other executive can properly carry on the duties of his office, unless he has the right, under proper restrictions, to remove his appointees. I do not believe that any appointing power should have the right arbitrarily to remove an appointee. But I believe that he, in some public way, should be the only one to determine whether or not an appointee should remain under his administration. If the city manager, or any other appointing power, is qualified to hold his office, he must be qualified to give substantial justice to any one who is appointed by him or working under him. If he is compelled in retiring any one from the service, to go to a board and submit to their decision as to whether or not the appointee shall be retired, it places him in an impossible position, to get proper results from appointees when they are not retired. And if an appointee is given certain rights, which I believe he should have, and which he has under some forms of civil service, he will be protected as far as he should be protected in his employment.

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[1] Reprinted from *Pacific Municipalities.*

Now there are two methods of civil service. One is founded upon the belief that the person serving should be protected in his employment against his employer. The other is founded upon the belief that public service should be standardized and protected. It is not generally known, but under the California state civil service, the appointing power may appoint only from a qualified list, and may remove and determine for himself whether or not the appointee shall be removed. But he must make that determination a matter of public record—a public hearing must be had if it is called for by the appointee that is to be removed. That seems to me to give any appointee sufficient protection against an improper removal. If the appointing power is willing, in a public hearing, to take up the matter of the removal of an appointee and make it a matter of record, it is a sufficient safeguard against his being improperly removed. Any public official who appoints should have the privilege and right to remove in that manner, and I do not believe you can get efficient management under any form of government without that. . . . I believe in civil service. But I do not believe civil service is made just to keep people in office.

REPORT OF THE CIVIL SERVICE COMMITTEE REVIEWED FROM A NON-POLITICAL ADMINISTRATIVE VIEWPOINT

BY HENRY M. WAITE

THE following thoughts on this very interesting civil service committee report are written entirely from my experience with civil service in city governments and not at all from my capacity as president of the National Municipal League.

The American mind interests itself primarily in business and not in government. When something radically wrong occurs in government, the business mind advocates more laws to check future similar wrongs. The result is manifested in our applying numerous plasters outside the body politic, attempting to draw out some of the ills of government.

The civil service law is one of the many plasters—it was conceived with the idea of curing the spoils system. Commissions, at the period of civil service reform, were the means by which these curing plasters were stuck to the administrative powers of government.

The theory of these commissions was that they should be bipartisan; the minority would have a representation. This theory of commissions to assist in overcoming glaring evils of government was a tremendous success. It has accomplished great things.

The accomplishments in civil service have been as great, if not greater, than in any other field of reform. It seems, therefore, to be a fair statement that if there exists a spoils system, civil service can help. If there is no spoils system, there is no need of civil service as a protection from spoils. If the spoils system has existed and has been cured either through changes in form of government or otherwise, it is good policy to continue civil service until the people themselves are satisfied that the spoils system will not return. It seems equally true that if the spoils system exists, there will be lack of hearty co-operation on the part of the administrative departments with the principles of civil service, particularly with those principles that interfere with the free appointment of subordinates.

It must always be borne in mind that civil service has important functions outside of protecting government from the spoils system. It is the employment agency of government. It aids in overcoming labor turnover. It adjusts the man to his proper employment. It keeps records of efficiency. It promotes worthy men. It is the government's personnel department.

A NEW MAYOR SEEKS TO CONTROL THE COMMISSION

In cities under civil service with a commission, it is usual that the incoming mayor can appoint one and oftentimes two of the commission and it is so arranged, or can be arranged, that the party which the incoming mayor represents can be given the majority on the commission.

It is the aspiration of an incoming mayor immediately to figure how his party can have the majority on the commission.

Most civil service commissions have an examiner. The commission appoints this examiner. He is the administrative head under the commission. The commission represents that ever-present political governing body. In theory, the examiner should retain his position regardless of the changes of the commission. His policy should be one strictly of fairness and justness to the employees in the service. He is often interfered with in this duty by the political coloring of his commission.

The duties of the commission are principally those of policy. They are supposed to protect the community from the spoils system and carry out the civil service laws. If the majority of their membership is of the same political faith as the executive, they work in harmony; if not, they work against the policies of the executive. The commission formulate the rules under the civil service law for holding examinations. The examiner holds the examinations.

Where we have good civil service laws, the duties of enforcement are and should be purely administrative.

I personally feel that the selection of a commissioner or examiner, as outlined in this report, will bring about much better results than a commission. It would centralize authority, obviate party politics in the commission, make continuation in office more probable and would create a department which could continue its policies.

In the field of the city manager cities, I personally feel that one commissioner properly appointed would give much better service to the community than a commission and an examiner.

THE CITY MANAGER

The statement might be made that under the city manager form of government, civil service is not needed. In theory, this may be true, but until city managers have continued to demonstrate that they will and can keep out the spoils system, as they are now doing, it is useless and foolhardy to consider the abolition of civil service control, even in city manager cities.

Civil service is also needed in the employment and standardizing of position and keeping records.

All intelligent attempts to improve government of late years have been toward the simplication of government. This simplification has manifested itself in centralizing authority. This is done in business, we are trying to make government a business and, therefore, why not apply business principles to government if we expect government to operate as a business.

If simplification as outlined by this committee is applicable to city manager cities, I feel that greater results could be obtained by some such process as outlined in other governments. There is more danger of political interference with civil service where you have an elected mayor than there is where you have an appointed city manager.

The idea advanced by the civil service committee is not yet applicable to federal civil service as a great deal of federal appointments are still of the spoils system. Until we get a president and congress of sufficient enlightenment and temerity to put all appointments under civil service, such a progressive step as outlined in this report will not be applicable to federal civil service.

In the federal government, the executive still has very broad rule-making powers under civil service. This situation requires a commission as there is great need of policy.

I feel that the National Municipal League owes a great debt of gratitude to the committee for this comprehensive study and report which they have rendered. There will be much interesting and enlightening argument from both sides on the subject but I cannot help but feel that, as a result, this League will through this report take a very long and advanced step forward in the handling of civil service.

COMMITTEE'S PROPOSALS UNWORKABLE

BY ROBERT MOSES

New York

I THINK the report consists of a great deal of smoke and very little fire. It starts out with an indictment of our present civil service system which I think is justified, proceeds to paint some rather glowing and visionary pictures of what civil service ought to be, and ends up with specific recommendations, most of which mean very little when you analyze them and some of which I regard as entirely unworkable. In so far as I agree with the diagnosis, you will not wish any further statement. As to the points of disagreement, I do not believe that the analogy between public and private employment means a great deal nor do I believe that the final recommendation for centralized employment control has any particular significance, especially in view of the fact that the report states that the proposed centralized control can be brought about by very few changes in the present control.

SELECTION OF COMMISSIONER

I think the outstanding recommendation for the appointment of a single commissioner is wholly unworkable.

I do not believe that the superintendent of schools should have anything whatever to do with selecting a civil service commissioner. Any one who has the slightest knowledge of the city school question knows that the tendency is all in the direction of separating schools from other city activities. Ordinarily the city school superintendent has little knowledge of city administration outside of schools and has plenty to do in his own department. No more foolish expedient could be thought of than to drag a city superintendent of schools into political and other controversies involved in selecting a single civil service commissioner and to subject him to the pressure which would be involved in his selection. Similarly, it seems to me that the requirement that one of the selecting committee be a civil service official of another city or state is wholly unworkable in practice, especially in the larger cities.

I do not believe that a civil service commissioner selected in the manner proposed would be allowed to remain in office even as long as the average civil service commissioner remains under the present system. The result of the proposed manner of selection might easily be that the comissioner would be left high and dry without the support and backing of the city administration. How under such circumstances he would get the larger appropriations which the report recommends is beyond comprehension. Personally, I believe that there should be a single civil service commissioner for administrative purposes but that he should have associated with him at least two commissioners on part time at smaller salaries who should act with him as a quasi-judicial and legislative board. It is axiomatic that one man should not exercise judicial and legislative powers.

PERSONNEL COMMITTEES SUPERFLUOUS

Specifically again, I cannot understand what the personnel committees which are proposed and whose functions are not defined are going to do. It is vaguely indicated that they are going to function with reference to personnel matters not now associated with civil service administration but involved in the operation of a personnel and welfare department in a private business corporation. From my experience with civil service, I do not believe that there are a dozen questions of any importance arising in a single year in government employment which might be submitted to the central employment board which is recommended, and I do not believe that these questions are sufficiently important to justify creating all the machinery which is proposed. Either the representative personnel organization would mean very little, or else it would gradually come to be a kind of controlling soviet such as has grown up in various government services in Germany since the war. It should be remembered that with reference to this matter of representation of employees, the government service is on a totally different basis than is any private corporation, because the government service is in the very first instance directed by representatives of the people themselves.

It seems to me that what is required in civil service is a drive at a few immediate objectives, not at a lot of vague generalities. What we need is larger appropriations, better personnel in civil service commissions, better classifications of employees, and adequate standards of compensation, better examinations for appointment and promotion, new incentives in the way of higher salaries and promotions for more competent employees, and last but by no means least, compact and responsible organization of government and a better type of leader in the important key positions to direct and inspire personnel. If we can get something like a model system on these lines in one or two states and one or two cities to hold up for the rest of the country, we may get somewhere.

I suggested to one of my Yale classmates recently that he establish a fund out of which a medal or other prize would be given annually for the most conspicuous improvement in civil service or government personnel, and that part of the fund be used to publish a record of the achievement. I think that more could be accomplished in this way than by all the academic treatises that were ever written.

VITALIZE CIVIL SERVICE BY BETTER MANAGEMENT[1]

BY FRANK O. LOWDEN
Former Governor of Illinois

No one, I think, who sees clearly would go back to the old spoils system. Civil service laws have afforded substantial relief from the evils of that system. Students of government, however, have been asked for several years if the last word had been spoken in civil service reform. I find that the examination test, while, of course, a vast improvement over the old method, is being recognized generally as far from satisfactory. In a recent address by Lord Haldane, in his inaugural address as president of the Institute of Public Administration in England, he said: "I have come to the conclusion that the pure examination test is far from being a perfect one. Success may result from qualities which neither import the more thorough kind of knowledge nor guarantee fitness for the kind of employment sought after."

Civil service commissions have contented themselves in the main with blocking entrance into the service for purely political reasons. That is natural in view of the fact that they came into being for this purpose specially. Generally they have not concerned themselves much with efficiency after entrance into the service has been effected. In practice civil service commissions have been as far removed from the administrator as was possible. On the other hand, a great revolution has been going on in private business in the matter of employment. In private business of any magnitude there has been developed a great central employment department, the head of which is upon a level with other heads of the important departments of the business. That department concerns itself, not only with entrance into service, but concerns itself with all those factors which make for a better morale. It removes inequalities of and injustices to different employes, and keeps in constant relation with employes through shop and other committees selected by the employes themselves.

It is often said, and rightfully too I think, that the government should be a model employer. That it is not so to-day, I think all must admit. Many praiseworthy efforts have been made to standardize salaries. This has been found a most difficult task. And many think that this will be impossible until civil service bodies shall be molded more after the employment department in private business. That there are gross inequalities in compensation and in other working conditions among public employes there can be no doubt.

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[1] *Editor's Note.*—From address before National Conference on Social Work, May, 1923.

A NEW SPIRIT NEEDED

That a new spirit would animate civil service employes and efficiency be increased by such a department, I believe to be true. If civil service laws are to be entirely satisfactory, there must be genuine co-operation between the civil service authorities and those responsible for administration. Were this so, examinations would be so shaped as to put more stress upon temperament, upon character, upon special fitness for the particular place than they do now. If the civil service authorities felt some responsibility for what happened after entrance into the civil service was once effected, they would find ways and means for recognizing special merit and insuring prompt promotion. In other words, it is conceivable that the civil service of the state could be vitalized in such way that inequalities in pay and working conditions, as between those doing substantially the same grade of work but in different departments, would be removed. A civil service employe even in the humblest position could be made to feel that he was part of a great living organization and not simply the cold product of a statute law which abandoned him to his fate when once he was in the service.

THE COMMITTEE'S REPORT

Recently a very important report upon this whole subject has been made by a special committee on civil service of the National Municipal League. This committee was composed of Mr. Henry S. Dennison, president of the Dennison Manufacturing Company; Dr. W. E. Mosher of the National Institute of Public Administration; Mr. William C. Beyer of the Philadelphia Bureau of Municipal Research; Mr. Morris B. Lambie, secretary of the municipal research bureau of Minnesota; Mr. John Steven, chief examiner of the New York State Civil Service Commission, and Mr. Whiting Williams, labor investigator and author. It will thus be seen that the committee was composed of men who had had large experience in employment, both public and private. It is the most comprehensive discussion of the subject of which I know. The general conclusions above stated, to which I came as a result of my experience as chief executive of Illinois, seem to have been reached also by this committee. Their presentation of the subject, of course, is more complete and much more authoritative than anything I have said. That committee has worked out a plan for a public employment policy which I believe to be a long step in advance of anything now in effect. There is one phase of the committees plan, however, which is specially significant. Instead of a bipartisan commission, the usual form, the report would substitute a single civil service commissioner with an indeterminate tenure of office, the commissioner to be selected as a result of a competitive examination given by a special board. It is contemplated that this commissioner should be specially trained in matters of employment and should give all his time to his office. The present commission, usually composed of three persons, two of whom are of the majority party, and one of the minority, has not functioned well in practice. They are usually wholly unfamiliar with the subject. And if it be a high-minded commission, it contents itself with permitting the secretary to do all the work. If it be not a high-minded commission, it hampers the secretary, sometimes to the extent of breaking down the law itself. The most conspicuous part it plays in connection with civil service laws is frequently to be found in the budget. The annual report of one state commission shows that of a total appropriation of $12,500 for the commission, $7,500 was devoted to the salary account of the three commissioners. This commission regretted exceedingly that it had insufficient funds to employ a qualified examiner on full time.

THE MERIT SYSTEM AND THE COMMISSION

BY ROBERT CATHERWOOD
Former President, Cook County (Ill.) Civil Service Commission

MALADMINISTRATION of civil service laws in cities, which is almost nationwide at present, is due primarily to an inconsistency in those laws themselves. The defect is not newly discovered, for attempts to correct it, through better legislation, have been made as far back as 1909 and as late as 1923.

PRESENT LAWS INCONSISTENT

The fundamental inconsistency is this: The law provides for the establishment of an employment system based on merit principles, for the gradual creation of a staff of thoroughly competent city employees and for the direction of the work of this staff by the changing elective officials, who are, however, prohibited from dispensing patronage or from making dismissals without ascertained cause, though they may (as examiners) drop a new appointee at any time during a probationary period of from three to six months or, at the end of it on a mere assignment of reasons. In other words, the elective officials are to be restrained from destroying or breaking down the system established by law; there are to be no more "spoils raids," but the work of the city is to be well done under the changing elective officials and their various political policies. The administration of this highly technical and important law is entrusted to the civil service commission.

Now, if such a law is to succeed, it is evident that the civil service commissioner, who is to administer it, must be an expert in employment problems, and the only known way of assuring the selection of a qualified expert is to put his position under the provisions of the civil service law in the classified service. Other non-elective or administrative officers are classified; but the civil service commissioner is not. All other higher officials must be selected on merit and fitness only, as ascertained by an open competitive test, but the civil service commission is freely chosen by the mayor. The commissioner does not hold his position during the period of efficiency and is not subject to removal on citizen charges, but holds during the mayor's pleasure. In some laws a feeble attempt is made to compel the mayor to assign a cause for making a removal, but he alone is the judge of its sufficiency. The mayor's decision cannot be disputed or tested. Again, conversely, the mayor can protect an incompetent or dishonest commissioner and prevent his removal. It is no uncommon occurrence for a mayor to appoint a commissioner openly hostile to the law he is called upon to administer and it is usual and customary for mayors to choose persons who do not pretend to know anything about employment and who could not pass an examination upon the duties of a commissioner. Certainly a law which establishes an important and complicated employment system to be operated by an ignoramus, by an open enemy or by persons without pretense of qualification may be pronounced grossly inconsistent.

If the civil service system is good, when applied to administrative offices, then, it is good for the administrators of the civil service law. The blind folly of expecting the appointees of the party in power to restrain that party from using the patronage and spoils, and of expressly giving the party leader authority at any time to remove the restraining commissioner is the crux of the whole trouble. It is the exact equivalent of providing that the commissioner shall be dependent upon and subservient to the only power which can have the will and the means to break down or destroy the system which the act purports to establish. Growing an efficient civil service under such conditions is a precarious occupation. It depends upon the will of the mayor. He is restrained by a bond which he can break with a *beau geste* and the "reasons" given the public for removing a commissioner are not likely to be the real ones. The authors of civil service laws should be willing to take their own medicine, for if civil service "is good for you" it must "be good for me."

A SINGLE COMMISSIONER IN THE CLASSIFIED SERVICE

When the civil service laws are examined in detail, it becomes apparent that the functions vested in the commission are of a purely administrative character. Why then should there be three commissioners, not more than two of whom shall be members of the same political party? Political considerations are prohibited in the work of the commission, yet the commission must be bi-partisan in its make-up. Moreover, there is a wealth of governmental experience, both at home and abroad, which may be summed up in the maxim: "Many heads for counsel, one for action." There has been very general recognition of the fatal disadvantages which accrue when a board of three or more persons attempts to conduct administrative operations. Counsel of many minds is no doubt desirable in declaring war and in deciding upon a campaign, but in the field there can be but one commander. The principle is recognized in civil affairs and in business organization, and it should have been recognized in the civil service law. The loss of money in paying three men to do the work of one, is a minor loss in comparison with the greater entailed by divided responsibility, delay and waste energy in bringing three minds to one course of action, the stoppage of business when conflict breaks out, as it frequently does, and the general inconvenience in office affairs which this clumsy and inapt device of a bi-partisan board everywhere produces.

Municipal civil service laws, if we want them enforced, should be administered by one commissioner, himself in the classified service. The competitive test for his selection should be given, either by the state civil service commission, or by a special board of examiners named by some judge or court, from among persons experienced in employment matters. The law should indicate the general nature of this experience with some precision. The mayor and his appointees should have no part in the examination or in the selection of examiners. In respect to tenure, the commissioner should hold office only so long as he performs his duty faithfully and efficiently. Any citizen (and the mayor particularly) should have the right to file charges before a court or judge for the removal of a commissioner. If such charges show a *prima facie* cause for removal, it should be the duty of the court to name a special board of examiners, experienced in employment, to hear and finally determine the case. These are the provisions which have been partially adopted in Illinois, and they are believed to be correctives for the existing conditions. Moreover, the commissioners themselves in the National Assembly of Civil Service Commissions have recommended classification of their own positions. Such provisions appear in Model Civil Service Law for States and Cities, published in 1915. In one of the debates on this provision the president of the Illinois commission said:

> The civil service commissioners cannot serve both God and mammon. The public and the law call for honest administration, progress and development. The party of the moment either calls for nullification and a spoils raid or for a decorous use of spoils under colorable evasions and plausible excuses. Ours is a divided allegiance. On the one hand decency, honour and response to what we know to be the wishes of the silent public; on the other, gratitude to the man who appointed us and appreciation of his political difficulties, legal dependence upon him who may at a word dismiss us with or without honour. We shall know no security in our work until we are included in the classified service.

Commissioners may recommend and reformers may agitate and persuade, but action lies with the state legislatures.

CIVIL SERVICE REFORMERS AS ENEMIES OF GOOD GOVERNMENT

BY GEORGE C. SIKES

Chicago

The proposal that civil service commissioners be chosen by so-called civil service methods and that they be subject to removal only on charges after trial by some independent agency seems to me unsound in principle and subversive of good government. I believe civil service commissioners should be appointed by the administrative head of the government, and that they should be subject to removal at any time by the appointing power.

MORE BRAKES THAN DRIVING POWER

Conditions already are in a bad way in this country because of the extreme application of the check and balance theory and the division of power and responsibility among so many independent agencies of government.

There are more brakes than driving power. Many of the brakes are under separate control. The independent manipulator of any particular brake can stop the machinery at his own whim or slow it up very much. A large part of the time of the chief engineer or driver is consumed, therefore, in arguments with the manipulators of the various brakes over the question as to whether the machinery shall be permitted to go at all; if so, in which direction, and how rapidly.

No organization constructed on such lines—whether in government, business or any other field—can possibly function with real efficiency. The only way in which a complex organization developed on the check and balance and separation of power theory can be made to work at all is through a political "boss" who can order the various brakemen to co-operate in permitting the mechanism to run.

Our Revolutionary forefathers, in their desire to avoid abuses of government as typified by kingly rule, adopted the theories of separation of power and checks and balances as advocated by French doctrinaire political philosophers. The federal constitution was framed in accordance with those theories. There were practical reasons to justify the application at that time of some checks. Most progressive students of government agree, however, that even in our federal system the check and balance theory is carried too far, at least for present day purposes. But the federal government is a model of simplicity as compared with our local governments of to-day, excepting those cities organized on the manager plan.

Shortly after the adoption of the federal constitution, the American people began to reorganize their state and local governments on the basis of the federal model, without stopping to inquire whether the federal model was the proper one for local imitation. Not only that, but the checks and balances and the separation of powers were even more numerous in the local governments. Cities ordinarily adopted the plan of a two chamber council, with an independently elected mayor vested with the veto power. In Baltimore provision was made for the selection of the mayor by an electoral college somewhat like that for the election of president of the United States. Going beyond the federal model, gradually provision was made in local governments for the popular election of many administrative officials. Independent boards, both state and local, were created to exercise various powers and to perform specific duties. The result has been the development of a complex, irresponsible hodgepodge of local governmental agencies that simply cannot be made to work satisfactorily.

There has been rather general recognition of this fact during the past quarter of a century or longer. The tendency is now away from complexity and irresponsibility and toward simplicity. The city manager plan, the most hopeful present day movement in the field of American government, represents complete abandonment of the check and balance and separation of powers theory, in so far as cities adopting that plan are concerned. Yet some civil service reformers, in advocating the appointment and removal of civil service commissioners by what they call civil service methods, are urging a return to the division of power among independent agencies of government that is contrary to the entire present day progressive trend.

NO GAIN FROM SCATTERING POWER

The passage of civil service laws is an indication of a public desire for higher standards of administration. The machinery created for the selection of employes by competitive tests is an aid to public officials who want to give good service, and an embarrassment to those who desire to adhere to spoils methods. But to deprive the administrative head of a government of the power to appoint and remove the civil service commissioner or commissioners must tend to divide responsibility and to promote confusion.

When the people revolt against abuses and elect officials desirous of rendering good public service, those officials ought to be able to produce results. They are not likely to be able to do so, if control of employes is vested in a hold over spoils civil service commission that cannot be removed by the new head of the government. The most demoralizing situation that can exist is one in which the people cannot secure good government by voting for it.

It is delusive to think that the best results in the long run in selecting and removing officials like civil service commissioners can be secured by vesting the power in scattered agencies. Such agencies are likely to be just as human and just as amenable to improper influences as the administrative head of the government. They act with less sense of responsibility to the public.

Good government is not to be had through the use of automatic devices that are supposed to work whether the people are awake or asleep. Dependence upon automatic devices is the worst kind of delusion. Those civil service reformers who urge the adoption of a system of selecting and removing civil service commissioners which is supposed to produce satisfactory results regardless of political conditions are really enemies of good government, even though they do not sense the fact themselves. I venture to say that most progressive students of political science—aside from those whose special hobby is civil service reform—are opposed to the proposal to have civil service commissioners appointed and removed by so-called civil service methods.

CO-OPERATION RATHER THAN PROTECTION IS THE PRIME FUNCTION OF CIVIL SERVICE

BY HENRY T. HUNT
Former Mayor of Cincinnati

THERE is an agreeable legend of a horse doctor who knew how to cure the botts. This able veterinarian became a physician and was amazingly successful with human ills. He inoculated all his patients, whatever their complaints, with botts, and then applying his method cured this disease, thus making a perfect record.

Political and industrial horse doctors, who have learned that co-operation between executives and personnel promotes economy, have discovered a cure as universal as that of the philosopher. This remedy can be applied with some degree of success to practically every case of federal and municipal *malaise* in administration. It is far more effective than the old fashioned dosages of checks and balances.

Fattening political parties or personal ambitions at public expense is a wasteful departure from the true objective of public service and is, in a sense, an embezzlement of power. To prevent it, civil service laws have been enacted and policemen placed on guard in the guise of civil service commissions to restrain public executives from converting the trusts committed to them to their personal or party profit. Experience has shown, however, that it is difficult indeed to devise means to protect the public from a certain degree of exploitation by its servants without hamstringing these servants in their efforts to deliver the best possible service, at the lowest cost. If civil service commissions are placed beyond the power of executive officers to control, the personnel will look to the commission and disregard the officers. The commission will have little knowledge of executive plans and small sympathy. There will then be a loss in productivity, as the power of direction and the power to reward efficient and punish inefficient service will be in different and perhaps hostile hands. If the executive officers control the commission, it will become their captive and will only feel ardor when drawing its pay. Its performance of even protective functions will be indolent. It will find ways and means to get done what the executives wish. If these executives are building up their own power at public expense, the commission will condone their conduct. It is very natural that executives should attempt to get civil service commissions into a condition of dependence and subordination. The love of power is undoubtedly one of the strongest passions. After the executive has passed through the travail of nomination and election, it would be strange indeed if he did not seek to solace himself by exerting all the authority he could reasonably claim. He has a mandate to accomplish what he has promised and to succeed, he must direct the personnel towards his objective. He finds himself hampered and restricted in his management by civil service laws and the commission. He seeks to make the commission his own and to require the personnel to look up to him and obey him.

HAS THE SPOILSMAN BEEN ROUTED?

Civil service commissions, speaking broadly and generally, have come within control of executive officers and are decidedly lethargic with regard to their protective functions. The committee's report sets out a number of instances of arbitrary exercise of power contrary to the spirit at least of the civil service act, which the commissions have acquiesed in. It has been demonstrated by experience that the civil service acts have not adequately accomplished their prime purposes of protecting the public service from spoilsmen. Perhaps instances of my own experience would be illuminating.

In the dim long ago, when I was mayor, we Democrats got Democrats into the jobs before the civil service act was passed. When the law came into effect, three men were appointed to the civil service commission who were devoted to the merit system. One of them went so far as to turn over his salary to the purposes of the commission. They employed an able examiner, held examinations for vacancies as fast as opportunity offered for the positions held by our early appointees, with the result that at the end of our term, practically all incumbents had been appointed after competitive examination.

When our successors took office, they were at first hard put to it to reward their political friends by giving them jobs. The terms of the commission had been staggered so that all expired within the term of our successors. All commissioners were replaced by men devoted primarily to the welfare of their administration. At the end of two years, the personnel were convinced that the civil service law was a dead letter. The commissioners since have done little more than draw pay. As policemen to guard the merit system, they were ineffective. This result it would seem follows to a greater or less extent when appointments to the commission fall within the power of executives.

THE SINGLE COMMISSIONER

Under our committee's recommendations, the executive officer must appoint one of three nominees of an examining board made up of the superintendent of schools, an appointee of the executive and a third chosen by the two. Under this proposal, there is at least a fair chance that men certified for appointment to the office of commissioner will be of sufficient character not to be controlled by anyone. There is sound sense also in the proposal that there be only one commissioner instead of a board. The salaries of the board members, if added together, will be sufficient to command the services of an expert in personnel administration. His full time will be applied to performing the duties of the position and to promoting successful and efficient relations between the personnel and the executive. His reward in the shape of prestige and reputation will be obtained by performing his duties to the public rather than by services to political organizations. He will satisfy his ambition by increasing the economy and efficiency of the public service. Service of this kind will not be hidden under a bushel.

A large number of industrial companies have had great success in cultivating sound personnel relationships and have achieved this success by the aid of experts trained in that field. In the main, men who devote themselves to work of this nature are social rather than acquisitive and obtain their satisfaction in life rather through the consciousness of having been of benefit to society than by piling up riches. This type usually possesses a strong sympathy with their associates and an appreciation of the incentives to action. There is now a considerable body of qualified experts available for municipal service under fair conditions.

A civil service commissioner appointed in the manner suggested by the committee might well be expected to be an individual who would realize the difficult administrative duties imposed on the executive, and would know how to reconcile the accomplishment of these duties with reasonable satisfaction to the rank and file.

SERVICE AND REWARD

Public employees are entitled to stable employment conditioned on the intelligent performance of their duties. When they feel that a routine and detached performance is sufficient, the public service suffers. It also suffers when they are convinced on the facts that able service brings no reward. It is unreasonable to expect a board to keep in touch vigilantly with individual employees and their work. Furthermore, it is often difficult to convince a majority of a board that a particular employee deserves promotion. Each member will have his own judgment based on his own information or will have a personal ax to grind. Log rolling will then come into play.

Public executives, like the rest of us, prefer to live up to even the spirit of the laws when not in conflict with our desires. It is wisdom to so arrange matters that they will wish to obey the civil service acts, and make them work. So to modify these laws as to make their operation an aid to the objective of practically all public executives is sound procedure. This objective is, broadly, economical provision of adequate service. Whatever removes cumbersome checks and gives the responsible head power aids in the accomplishment of this objective.

Classification of employees, sound examinations, judicious certification and many other elements in civil service help the executive and are in line with successful personnel technique outside. It remains to substitute constructive functions for the negative and merely protective duties of the commission and to replace the cumbersome board with an alert officer supported by the prestige of adequate pay and by prospect of accomplishment.

The avenue toward making civil service a career, and thus reducing its cost and improving its quality, is in the direction of the committee's recommendations.

THE PERSONNEL FUNCTION IN THE PUBLIC SERVICE

BY ALLEN M. RUGGLES

Service Examiner, Wisconsin Civil Service Commission

THE writer was especially pleased in the report of the committee on civil service to note the emphasis placed on the personnel function of a civil service commission. The statement was made several years ago by Richard Feiss that "The question of personnel must ultimately be considered the real problem of business management." This statement was, however, followed up by another to the effect that the real problem of scientific employment begins after the act of hiring has been completed.

To-day the value and significance of the personnel function in private business is no longer a debatable question. A suggestion of this is found in the increasing number of colleges and universities offering employment and personnel courses. Among such institutions are Columbia, Dartmouth, Carnegie Institute of Technology, Harvard and Bryn Mawr. In the bulletin of Carnegie Institute of Technology the following courses are among those listed: vocational psychology, personnel administration, employment practice in industry, and administration and method of training employes. May the day be not far distant when among such courses there may be a demand for one in employment and personnel methods in public service.

The motive force of any business is furnished largely by its personnel. As is the tone of the employes, so is the tone of the organization as a whole and of the service it renders. Business-like methods cannot be veneered over an organization. They must be embedded in its heart. They must find expression in the abilities and interests of animated and fit employes. This would seem to hold even more true of public service than of private business. In private business, it is usually a material commodity that is sold for a given price. The success of the business is measured in terms of the dollar. In public business, the *Service* of the employe is the commodity which is largely the most important factor. A well selected, efficient and trained personnel means satisfactory service and thus the success of the business of government. This applies to all from the humblest employe to the administrative officers.

The commission with a vital interest in matters of personnel administration can find many ways of advancing the principles for which it stands, even though its appropriation may be small. There are always those ready to co-operate, when such co-operation means better service. Two parties are by virtue of their position vitally concerned with the success of the work or service of any department. One is the department head, the other the civil service commission which furnishes the real motive force of service to the department in the *certified* employes—certified to be efficient and to be able to meet the requirements of the department. Under such conditions and with a real personnel administrator's point of view, the interest cannot stop with the act of certification.

The writer had a part in the organization of the personnel work of the Wisconsin civil service commission—a work that was started under the administration of the late John A. Hazelwood, as secretary of the commission. As illustrative of what may be done in this field in the public service, the training courses organized by the commission have been chosen for presentation. At the outset it should be said that one of the most encouraging aspects of this work was the splendid co-operation secured from department heads and employes. When this is considered, what has been actually done seems insignificant compared with the possibilities with this sort of co-operation.

HELPING THE EMPLOYE

Four different types of endeavor along this line will be indicated as suggestive of the possibilities in such work in public service.

1. Series of talks of an inspirational and educational nature.—The following series given during the winter months is illustrative. Extracts from the announcement will sufficiently suggest its nature. From the heading: "Know the business of which you are a part." "Be able to talk intelligently on the state's activities." From the body of the announcement: "The Wisconsin civil service commission is offering to state employes a practical course in state government, consisting of talks on the activities of the public business of Wisconsin. These talks will be given in the assembly chamber from 4.30 to 5.30 on the dates indicated. The activities of each department will be presented by one or more of the officials of the department."

2. Talks and courses by experts in the service.—Two such courses are here given: a course for secretarial clerks and those in line of promotion, and another for statistical clerks. The former course was organized and conducted through the co-operation with the writer of six statisticians from different departments of the service. Each gave two talks. In the first he presented the theory of his phase of the subject, and in the second showed the practical application of the principles in the work of his department.

For the latter course, a list of the subjects and speakers will serve better than any description to indicate the type of co-operation received in this work. These talks were given without cost to the commission.

SECRETARIAL CLERK COURSE

Personality, System and Progress in the Office, Charles McCarthy, chief, legislative reference library; The Background of a Government Office, E. A. Fitzpatrick, secretary, state board of education; How to Become a Successful Secretary, Carter Alexander, assistant superintendent of public instruction; Correspondence That Is Effective, E. H. Gardner, professor University of Wisconsin; Modern Office Equipment (Illustrated), John Steven, assistant examiner, civil service commission; Psychology for the Office Worker, Daniel Starch, professor University of Wisconsin; Short Cuts and Devises, B. A. Kiekhoefer, secretary, state board of public affairs; Office Organization, A. P. Haake, instructor University of Wisconsin; Office Atmosphere, Stephen W. Gilman, professor University of Wisconsin; "Opportunities for Those of Secretarial Ability," John A. Hazelwood, secretary, civil service commission.

Mimeographed copies of the talks were made and given to each member of the class.

3. Regular courses with university extension credit.—These were offered in such subjects as statistics, correspondence, and filing and indexing, and were given at the Capitol from 4.30 to 5.30, half on the state's time and half on the employe's time.

4. Intensive co-operation with a single department.—The engineering department and the civil service commission working together organized a rather intensive personnel work with the employes of the state power plants. This work centered around the annual school for state power plant engineers, held at Madison, to which the power plant engineers in the service were sent at state expense. The effect of this work on the morale and efficiency of the engineers has grown from year to year. This work has been maintained for seven years. (See *Industrial Management*, February, 1918, for details.)

Inasmuch as the writer has seen the possibilities of personnel work in the public service, has had fortunate experiences in securing co-operation in such work, and thoroughly believes in the value of personnel activities, he is naturally gratified to see the emphasis placed upon the personnel function by the committee.

The committee raises the question as to the make-up of our civil service commissions, a point that has special significance in connection with the organization and maintenance of a constructive employment and personnel program. So long as appointments to the commissions are made for political reasons, the carrying out of such a program is largely a matter of chance, depending upon the interests, experience and training of such appointees. If changes in the law would insure that the personnel of the commission be composed of men with a real interest in employment and personnel problems, and with such training and experience as would make them actively helpful and constructive in the work, such change should be made. Then let us welcome a frank discussion of the make-up of our commissions, with the commissioners themselves taking an active part in such a discussion. Those of us who are keenly interested in civil service need not hesitate to admit its weaknesses when we have a broad constructive program for its development. Both its weaknesses and possibilities should be discussed with frankness. Such an attitude will put civil service more solidly on the businesslike basis where it rightfully belongs.

REPORT ANALYZED BY A CHIEF EXAMINER

BY CHARLES S. SHAUGHNESSY

Chief Examiner, Civil Service Commission of Philadelphia

THE following comments are made with a full appreciation of the committee's work, which has stimulated much thought and discussion. However we may differ from the sentiments expressed, there is bound to result a better understanding of the problem of public employment and a clearer definition of the functions of civil service commissions.

The committee has painted a rather gloomy picture of the civil service in our cities. The report states very emphatically that, in the main, the commissions are acting as a negative employment agent—ineffective even in this—and are failing to embrace the newer methods of employment management. Some of the more important defects mentioned are: lack of administrative control and division of responsibility for same; lack of both experience and political independence on the part of the commission itself; restrictions in the activities of the commission through lack of appropriations; unnecessary number of provisional appointments; failure to utilize the probationary period for dismissals; too few transfers; failure to dismiss inefficient workers; failure to install or administer service records; failure of co-operation between the commission and other departments; failure to afford counsel in salary determinations.

CRITERION NEEDED

A critical study of the report shows at once the importance—and even the necessity—of having some criterion of commissions' work; something that will evaluate their actual performance in the light of their facilities, their authority and responsibility. There is a great difference in the functions of commissions; some are purely examination bureaus, largely confined to open competition; others have taken on promotion activities including the supervision of service records; others are doing all of the above in addition to advising on salary appraisals, acting as trial boards or appellate boards in the matter of discipline. There is an inclination—and I believe it is discerned in this report—to measure the quality of a commission's work by the extent of its activities. I believe that any commission whose work is confined solely to one aspect of the problem, such as examinations which are conducted on a high plane, is functioning more effectually for the public good than one whose work is spread over a great number of activities, some of which are perfunctorily done. Nor can we measure that quality from annual reports. These no doubt give us some isolated facts that are indicative but by no means complete as to character of work. It appears that there is only one way to secure an intimate picture of a commission's doings and that is by an actual survey on the ground; actually seeing or taking part in their examinations; observing methods of administration; noting the extent of public support and lastly acquiring a knowledge of the character and intelligence of the recruits. In other words, the equation reduces itself to three factors, namely, political complexion of the jurisdiction; public support; stage of development of civil service technique. This is no small task, perhaps prohibitive, unless funds are available for the purpose.

The whole content of that portion of the report under the caption "The Status of the Municipal Service" is a discussion of the failure of commissions to carry out constructive policies and of the general retrogression of the service. If it were not for a few bright lights in the firmament, one might very well question the advisability of supporting an agency so utterly futile.

In the first place it should be understood that neither our civil service laws nor public opinion will justify the control of the personnel by the civil service commission, or even joint control with department heads. It should be stated here that a great number of the above defects are directly chargeable to the administrative officers themselves. Such matters as failure to utilize the probationary period for dismissals, transfers, etc., are very properly outside the positive jurisdiction of the commission. The responsibility for the retention of incompetent employes must rest with the department head and any interference with, or division of the responsibility, will react to the detriment of the service.

As to the matter of co-operation—which is one of the important points stressed in the report—and which is universally conceded as a necessary accompaniment to good administration, there are two parties to this operation and unless both are willing to come half way and play the game fair, complete success is impossible no matter how much one of them is desirous of co-operation. One of the outstanding factors in public service that has militated against co-operation is the habit on the part of a great number of department heads of shifting an issue to the civil service commission. The latter seems to be a very convenient target for some administrators. The remedy of this condition of course must lie in public support which will make its influence felt upon the chief executive and his official family.

THE ANALOGY OF PUBLIC AND PRIVATE EMPLOYMENT

Probably the next factor to which we should give attention is the basic criterion which the committee establishes, *i.e.*, complete analogy of public and private service. This criterion is the crux of the report and it is necessary that we come to a common ground regarding it. Public service, while having some points of similarity, must ever differ from private industry in objectives and in many major problems of management. On the one hand we have the objectives of improved government service; on the other, the profit motive to which the committee has referred. Again we have the problem of political circumvention as one of the commission's functions against the freedom of same in private industry. These differences alone are sufficient to engage the greater part of the attention of civil service administrators at present and for as long a time in the future as we can see. We must reckon with public opinion and make the molding of it one of our primary functions at all times, while private industrial managers generally give no attention to it whatever. One of our fundamental and primary duties is checking the wiles of politics—a rather strategic business at times. In this country we have been seriously engaged on these phases, *i.e.*, improving the service, securing public confidence and checkmating politics, for the past forty years and all indications point to our being pretty busy at them for some time to come. Until we can attain these objects as a foundation plan, all attempts to control the personnel administratively, in my judgment, will be futile.

We are not willing to concede that all activities of service control are negative except those of administrative character. In my judgment, the most important and pressing work of this day is recruiting and selecting. Matters of attracting desirable persons, while affected by broad administrative control, are the first essentials to service improvement and economy. There have been great advances and a large amount of work done in the improvement of examination methods and standards, all of which is positive and constructive.

It is especially significant in this connection that private industry is at this time giving considerable attention to selective tests. We are infinitely more concerned about securing public confidence through high-grade recruiting and selecting than any other function the civil service commission may assume at the present time. Whether we will or no, much time of the present administration of civil service is perforce put upon recruiting, conserving integrity, job analysis and improving standards of examination. In other words, we should clear up and bring to a maximum point of efficiency the original intention of the civil service law and thus build the whole service up from the bottom.

It is certainly true that much improvement can be made in the selection of commissioners as well as in the securing of public support for greater appropriations; notwithstanding these deficiencies, it must not be overlooked that the tone of public business as to efficiency, economy and morale, has been greatly elevated through recruitment and selection.

RECOMMENDATIONS OF THE COMMITTEE

In dealing with the recommendations it seems to me that we must view them in the light of actual conditions and problems that are met in practical administration. A single commissioner, sincerely appreciating the merit system, competent in employment administration and of a character to administer civil service laws judiciously and forcefully, may be very desirable. There is no doubt that in jurisdictions where a high public support has been built up, the single executive might at times be a great improvement over the present plan.

The position of commissioner will undoubtedly be on full time, in which legislation and judicial proceedings must be carried through. He is to have supervisory control of the complete employment program from recruiting to dismissal, in co-operation with department heads.

If we were free to go to the open market to select such a man with the salary usually attaching to the position of head of a city department, it is very much to be doubted that he could be secured. Whatever the market affords in this direction is immediately corralled for private industry and with a much higher salary. While we have many private employment managers, few would qualify under our specifications because of their lack of experience in public service which seems to me to be one of the fundamental requirements. This is of course assuming that the examining board, selected for the purpose, would endeavor to secure the very best men to be had. If the examining board was not entirely free —a possibility always to be counted upon where the chief executive really names one-half of the board—there would undoubtedly result a selection in sympathy with the chief executive. The committee's reason for giving the chief executive a hand in the selection of the board is that there should be someone who is not unresponsive to the executive head. We do not see that responsiveness or unresponsiveness to the chief executive has anything to do with the ability of the man to fill the position. It may be found that the result would show too great a response to the chief executive and thus there would be no improvement over the present way of choosing commissioners—in fact, it would be likely to carry with it even worse conditions than we have at present.

Again it seems to me, where legislation has to be enacted and interpretations and applications of laws are to be made, various points of view are necessary. Those who are acquainted with the deliberations of commissions will appreciate the fact that the results are much more judicious and meritorious where we have certain balancing points of view. Moreover, it is impossible, in my judgment, for one man to adjudicate the various elements that should be taken into consideration in applying the civil service laws in the public interest. The chances of success with a single head are exceedingly remote, especially if selected in the way recommended. It seems to me that the plan of appointing the three commissioners for long and overlapping terms has worked well. The idea of a commission with one executive and two associates, the latter carrying small salaries, and called in occasionally to legislate and pass upon questions of policy represents a distinct forward step.

CENTRALIZED EMPLOYMENT SUPERVISION

We have noticed a recent change in the attitude of a great number of private employers in the matter of centralized control. It has been merging into what may be termed a joint control between the employment manager and the head of a department in all those matters concerning discipline and production. In matters of hours of employment, transfers, pensions, etc., there is an almost uniform practice of vesting these with the employment department. In a great number of the firms of the Philadelphia district the hiring is done by the employment manager and dismissals are made by the immediate supervisor, a rather analagous procedure with public service, except in the case of the police and fire departments—which must be considered by themselves—and it does not appear that this plan has worked very badly. In the case of police and fire services, however, subjected as they are to political and other pressure, I believe it to be a great step forward to have dismissals and disciplinary measures vested with the civil service commission.

It does not appear that the time has arrived for the civil service commission to recommend anything but an advisory service in the matter of salary appraisals. If the service is graded for all positions and the control of the grade itself is left with the commission, which is more or less related to salary appraisals, it seems to me that is as far as the commission should go at the present time.

There is one other consideration to which attention should be invited. A large part of the report is predicated upon the fact that all improvements suggested must form the basis for public opinion which itself will bring about better recruiting. Here again it seems the committee errs as in the premises which form the basis of their recommendations. While one reacts upon the other, it seems to me that the task nearest at hand is to build up from the bottom by improving the recruiting and selecting methods. Then the extension to administrative matters would come in such proportion as public opinion would justify.

ONE COMMISSIONER OR THREE

BY CLINTON ROGERS WOODRUFF
President, Philadelphia Civil Service Commission

"Many heads for counsel; one for action." This is another and a popular way of saying: A board for policy determination (legislation); a single official for policy execution (administration). It is quite easy to set forth a general principle of politics, but a somewhat different, and usually a most difficult matter to apply it in practice. It is that difficulty which confronts us in determining the question of whether a civil service system should be applied by a commission or a commissioner. With a blitheness and a finality that savors of the commencement season, Dr. Mosher's committee on civil service recommends a single commissioner, with an indeterminate tenure of office. One has to seek elsewhere than in the report itself for any careful reasoning in behalf of this recommendation.

ARE ALL POLITICAL QUESTIONS DECIDED?

A commission, which has no political questions to decide and which is out of politics, and which has a system defined by statute and rules, is in the view of the advocates of a single commissioner a purely administrative concern. If it were not that we actually have a commission of three they say there could now be but little argument on the question of one commissioner being better, "so overwhelming is the weight of authority in favor of single headed departments of government and of business, too."

In this latter sentence we have the same note of finality, which seems to be an outstanding characteristic of the proponents of the single commissioner idea. This statement occurs, however, in the same paragraph with the statement that "a commission which has no political questions to decide and which is out of politics, and which has a system defined by statute and rules. . . . is a purely administrative concern," which is tantamount to saying that if the application of a civil service law is only one of policy execution, then a single commissioner will suffice. How many commissions have no political questions to decide? How many commissions are out of politics, that is, do not have to take into consideration partisan political questions? How many commissions administer a system defined by statute?

Most of the civil service commissions, and certainly the one over which I preside, have the power to make rules and regulations which have the force and effect of law. It is important, therefore, if not imperative, that the commission should be a commission and not an administrative officer. In other words, if the commission had nothing to do but enforce rules and regulations already made by some other body and had none other than administrative duties to perform, there would be much in favor of the single commissioner idea. So long as the commission exercises legislative duties, the argument in favor of a commission of three is compelling, if for no other reason than on the principle of the old maxim already quoted "Many heads for counsel, but one for action."

It is also argued that the words "policy" and "administration" should be used in the British sense, that is if the function created by an act is political it goes to ministers and if administrative to permanent civil servants—*i.e.* matters which are dealt with by the cabinet and those relegated to departments. This argument gives a narrower definition to "politics" and a broader definitition to "administration" than are justified in this country or in connection with the application of civil service systems in this country. We are not nearly so far developed in America in drawing so definite a line between the two as is England with its older and better established affairs. Nor is the application of the civil service system so general or so far advanced. To attempt to apply British methods here without the British traditions or environment, is to force the pendulum too far to the extreme. Swinging a pendulum too far either way is more dangerous than if the pendulum went not at all.

AN ILLUSTRATION

From my personal experience on the Philadelphia commission, I am convinced that many, if not most, of the questions with which we have to deal involve matters of policy. To illustrate: At each examination we must determine whether it shall be confined to residents of Philadelphia or thrown open to those from the state or the country at large. That involves not only a determination of the condition of the local and general labor market at the moment, and which it would be difficult to classify, but whether it would be wise as a matter of policy. At the beginning of our term of office, I was asked at a public hearing if I believed in filling positions with the best qualified irrespective of their residence. To which I replied, "Certainly, but we are not yet ready in this jurisdiction to apply that principle in the present state of public opinion." In other words, there were other policies more important to establish at that time. As a matter of fact, we have thrown open a number of examinations to residents of the United States, including that of chief examiner of our own commission. Indeed, in certain cases (the internes in the hospitals and nurses) we have thrown them open to the citizens alike of the United States and of other countries. In determining these questions, I submit we were determining matters of policy, not of administration. Having decided these, the holding of the examinations was a matter of administration and was so treated, being left entirely in the hands of our chief examiner.

From time to time it must likewise be decided whether an examination shall be an open competitive one or a promotion examination. Our general policy is to fill the higher grades by promotion; but there have been times when we decided to throw them open to all comers, as in the case of our chief examiner, to which reference has already been made. These are certainly questions of policy. Then we have to determine whether an examination shall be assembled or non-assembled. This again is a question of policy.

We have just had to decide upon holding another examination for patrolmen. This involved sundry problems of policy: Ought we establish another list so near the end of our term of office? Ought the standards of height, weight and age be changed? (Earlier in our administration we had to determine whether we would apply the Wasserman tests to all such applicants.) It may be that Dr. Mosher would deny that these and the other problems I have mentioned were not questions of policy. From my study, observation and experience, I believe in the present status of the movement that they are. Dr. Mosher does not even take the trouble to consider the underlying questions involved. *Ex cathedra* he and his committee announce that they are for a single commissioner without taking the trouble to establish their right so to do. The present secretary of the National Municipal League much more nearly touches the point at issue when he says:

> The line between policy and administration, while difficult in theory, is not so difficult in practice. An intelligent city council and a fairly capable city manager will usually get along pretty well together. The reason I like the city manager plan is that if this is not the case it can be easily remedied without a continuation of the situation such as you have in Philadelphia to-day between the mayor and the council.
>
> My feeling is that if we adopt the principle of the single executive, whether a mayor or city manager, the continuance of administrative boards is unnecessary. Where there are legislative or judicial functions to perform, as in the case of the interstate commerce commission, the function ceases to be purely administrative. The board comes under the eye of the legislature in a way such as a purely administrative board does not.
>
> Now where does the civil service commission fall? If it is primarily administrative there is no reason why it should be a board any more than the mayor himself should be a board. If it is legislative or judicial it should be a board. However, there is this to be said, that the functions of the civil service commission are concerned with relationships within the administration while the usual quasi-legislative-judicial board is concerned with relations between the government and outside citizens. Herein lies my difficulty and the reason I am inclined towards the experiment of a single headed civil service commission. For political reasons it may be well to continue the three member commission, but if we do so I should want to see the jurisdiction of the two associate members clearly restricted to the broadest questions of policy.

THE NEW YORK REPORT

This latter view is that held by Colonel William Gorham Rice, a veteran civil service commissioner who has abundantly earned the right to speak with authority:

> My feeling is that for administrative work a single commissioner is sufficient. For legislative and judicial work, a commission of three is desirable. Provision that in the latter field two part time commissioners should meet with the one who was in constant contact with administrative activities, would seem to be a reasonable plan.
>
> Of course it is somewhat difficult to determine just what work falls outside of the legislative and judicial. The report of the reconstruction commission on retrenchment and reorganization of the state government of New York, submitted October 10, 1919, made recommendations in this matter. I quote from the summary, page 220, as follows:
>
> "1. There will be a department of civil service. At the head of the department will be a chairman designated by the governor who will receive an adequate salary and will be solely responsible for all of the administrative work of the commission.
>
> "There will be two additional commissioners on part time who with the chairman will constitute a board which will meet once a week to pass on quasi-judicial and quasi-legislative matters. The two additional commissioners will receive a nominal salary and traveling expenses. The three commissioners will be appointed as at present."
>
> The chairman of this reconstruction commission was Judge Abram I. Elkus, and among the members were Dr. Felix Adler, Bernard M. Baruch, Mrs. Lewis S. Chandler, Mrs. Sara A. Conboy, Michael Friedsam, Gerrit Y. Lansing, V. Everit Macy, George Foster Peabody, Charles H. Sabin, Mortimer L. Schiff and Charles P. Steinmetz.

OTHER STATES

The general laws of Massachusetts (for 1921, chapter 31) recognize this difference, providing for one commissioner who does the administrative work, and then a board composed of the commissioner and two associate commissioners who give the various hearings and make rules and regulations. The commissioner gives substantially all of his time to the work. I think the proposed state civil service bill for Pennsylvania contained a similar provision. These provisions recognize the necessity of a board or commission for the determination of policy. Where there is no such provision, the same tendency is to be noted in the fact that the permanent officials,—the chief examiner and the chief clerk carry out the administrative work, with a minimum of interference from the commission. Indeed, practically only such interference as is involved in an interpretation of the law and regulation and the determination of those features which, for one, I consider matters of general policy. It must not be overlooked that one of the important functions discharged by commissions is the making of rules and regulations. Even though the general outlines of these may be determined, there are still many questions of policy to be settled by the commission, and when settled they have the force and effect of law.

TOO MUCH POWER FOR ONE MAN

I have been much interested in the opinions of those to whom I have submitted the single commissioner idea. The men with the most experience, either as commissioners, or attachés of commissions, or as executives of bodies dealing with civil service questions, have been substantially in favor of the commission idea as opposed to the single commissioner proposition. The opinion of George McAneny, long secretary of the National Civil Service Reform League, later secretary of the New York city commission and a public official of long and faithful experience, is typical:

> Personally, and as the result of such experience as I have had, I am convinced that there should be a board of not less than three members in charge of any civil service jurisdiction. The functions of a commission not only in the making of regulations, but in the construing of both regulations and law, are quasi-legislative; and a commission having authority in the matter of police and fire trials may certainly be said to be quasi-judicial. I have never believed that powers of this sort should be entrusted to one man. While there are, of course, administrative functions to be performed, that phase of a commission's work is more or less mechanical, and not comparable in importance to the broader functions of judicial determination.

Another student with long experience with critical and constructive organizations of various types (Lewis Mayers) declares that his general criticism of the single commissioner recommendation is that it contemplates so radical a departure from existing practice and tradition that its recommendation is likely to seem more like the expression of a pious wish than the promulgation of a practical proposal for immediate adoption. Assuming, however, he says, that the committee is seeking the ideal plan of organization regarding less of its prospects for immediate adoption,

> I find the prospective advantages of the proposal rather weakly and inadequately argued, while the obvious objection that it vests in a single politically irresponsible individual, a vast power of control and regulation over the remainder of the administration, is not even so much as mentioned, much less met. This objection would have all the more force in the light of the committee's recommendation that the right of appeal in disciplinary matters lie to the personnel authority. It is hard for me to believe that a single individual, no matter how selected or how competent, could long wield such powers in the average municipal government without raising up so enormous a body of opposition among the administrative officers and the subordinate employees—a large portion of which would speedily be transmitted to the electorate—as to compel his retirement, not to speak of its making impossible long before that "close co-operation with other administrative heads" which the report emphasizes, and correctly, as of primary importance.

In stressing this, Mr. Mayers brings out a point of paramount importance, one which is entitled to separate consideration at length. I quote it here not only that it may be borne in mind in the careful consideration of the questions involved, but likewise to illustrate the meagerness and incompleteness of the Mosher report. In the matter of argument and reasoning, needlessly diffuse in its discussion of alleged conditions, it is insufficiently specific in constructive details and almost lacking in substantial reasoning. I have referred to the report by the name of the secretary of the committee, as I find it difficult to credit that some of those whose names are attached to it could have participated in its actual formulation.

HAS THE MERIT SYSTEM GONE TO THE DOGS IN CITIES?

BY FRED TELFORD

Bureau of Public Personnel Administration

THE report of the Special Committee on Civil Service of the National Municipal League will meet with a hearty reception in many quarters and be widely quoted. To those uninformed in civil service matters—and such constitute all except an insignificant percentage of our citizenship—the names attached give the numerous pronouncements great weight. The effect of the report is heightened by the authoritative manner of presentation. Many will derive entertainment from the lusty whacking of heads; unfortunately even the best of us are so constituted that we like this sort of thing. Others who desire to have complex problems "settled" once for all will take delight in the positive conclusions reached by the committee. Those who are unfriendly to the merit system as worked out in the public service, and particularly those who for one reason or another find it expedient to render it lip service only, will of course quote the document with inward glee though with outward solemnity.

Only an exceedingly venturesome person would for an instant consider disagreeing with the committee's report. I have been selected to present the opposite view because, I presume, I am such a temerarious individual. Civil service administration, however, like religion and politics, is a subject upon which conscientious persons may disagree. Not only is there no body of accepted facts but there are no accepted standards to measure performance and results. I am moved therefore to ask just how true and typical are the facts the committee alleges to exist; how cogent is its reasoning; how fundamental is its analysis; and how helpful are the remedies it proposes.

HAS GOVERNMENT ADVANCED AS AN EMPLOYER?

First, what about the committee's facts? On page two of the typewritten copy of the committee's report furnished to me by the editor of the NATIONAL MUNICIPAL REVIEW I find these assertions:

> Progress has been made in the war and post war period by only a limited number of governmental jurisdictions in accordance with the principles of modern employment management. . . . We may go even further

and assert that instead of making progress the government has been retrograding as an employer in the crucial years under consideration.

When I recall conditions as they existed in 1913, the time when I began to look at civil service administration from the inside, this seems an astonishing statement. I remember that the then new idea of a duties classification of positions was not only distinctly on trial in a very few jurisdictions but the really excellent classification plans in effect were all but lost in a forest of verbiage. I remember that the term "salary standardization" was hardly needed because the idea was almost unknown. I remember that the idea of having the civil service commission take a prominent part in the preparation of estimates for personal services was seldom considered. I remember that the Illinois commission with much fear and trembling finally decided to try out the new fangled intelligence tests in an examination for messenger but declined to use the results in making up the ratings or to repeat the experiment. I remember the immense pains we were at to check pay-rolls from inadequate 3″ x 5″ cards and our attempts to "advance" to a par with the commissions using bound books; the real solution, visible indexes, was still five years in the future in the period of "retrograding." I remember that the actuaries were just beginning to point out that our pension systems in the public service were unsound and that their words fell on deaf ears. I remember that the United States civil service commission had recently convinced itself that there was real merit in non-assembled examinations and was discreetly talking about the new plan to the initiated. I remember that in civil service meetings whole sessions were given up to discussing whether high paid positions whose incumbents had nothing to do with policies might with safety be included in the classified service. I remember that Mr. Doty had just gone from Wisconsin to the Pacific Coast to begin there the operation of a civil service demonstration station and that Mr. Messick, then unknown to civil service fame, was plugging away in New Jersey never dreaming that the doubting Thomases in the legislature and the independent voters would within ten years extend the system to 80 per cent of all the public employees (excluding teachers) in the state. I remember that the merit system was on trial or still a matter of academic discussion in numerous jurisdictions where it is now an established fact. Yet, according to the committee, "progress has been made by only a limited number of governmental jurisdictions" and "instead of making progress the government has been retrograding as an employer in the crucial years under consideration."

CONTACT

All this, however, may be of no consequence; my memory may have played me false. But turning to page ten of the latest revision of the report, on the desk before me as I write, I find these equally astonishing assertions:

> Lack of contact is also the chief cause of the retention of old style examinations. Without first hand observation of the work, it is obviously impossible to formulate other than blanket examinations of the old fashioned type.

Here, in the brief compass of four typewritten lines, the committee makes two fundamental errors with regard to civil service administration as it is carried on to-day. First, consider the alleged "lack of contact." Most civil service commissions maintain a complete roster of employees in the classified service, showing every change in status, made up from reports furnished currently by administrative officers.

The operating officials, however, sometimes find it convenient not to make reports; therefore, as the committee points out elsewhere in the report, most commissions in large cities supplement this information by checking and certifying pay-rolls before salaries and wages are paid—the most effective method human ingenuity has yet devised to give the central employment agency complete, reliable, and up to date information with regard to actual employment conditions.

The committee may—probably does—regard such "paper" knowledge as wholly unsatisfactory, though most of its own information with regard to the work of city civil service commissions confessedly comes from questionnaires less reliable than pay-rolls and reports of administrative officers. Commissions in the larger jurisdictions, however, have means of supplementing their "paper" information. Just how effective these are I have learned first hand from recent visits to large and small commissions. It is my practise to make appointments in advance of my calls; yet I always have difficulty in getting the information I desire because I find staff members actually making the "direct contact" whose absence the committee deplores. In one office, for example, where I arrived by appointment about the middle of the afternoon, I found that one staff member was in the field making investigations, while my conferences with another were interrupted by personal calls from one institution head, one department head, and three other administrative officers of lower rank; in addition there were two long distance and a steady stream of local telephone calls from administrative officers. I took occasion to observe the work of those checking pay-rolls and with my own ears heard still other administrative officers called by telephone to explain apparent irregularities. With my own eyes I saw the suggestions of administrative officers with regard to proposed examinations. Everywhere I go I find similar conditions. I can account for the committee's falling into this curious error only on the assumption that the members never took the trouble to observe first hand how the civil service commissions in our larger jurisdictions actually operate.

BLANKET EXAMINATIONS PASSÉ

The committee's second fundamental mistake in these four typewritten lines—with regard to examinations—naturally follows from its error as to the relations existing between commissions and administrative officers and from its failure to become familiar with the examinations actually held. We may not be sure just what the committee means by the words "old style," though the use of the term "scholastic" in an earlier version throws some light on the subject. In referring to "blanket examinations of the old fashioned type," however, the committee shows an amazing ignorance of or disregard for the uses to which the duties classifications recently developed have been put. In the last ten years nearly every large jurisdiction in this country which has a civil service commission has worked out and put into effect, either formally or informally, a duties classification which establishes a large number of classes of positions for which separate examinations are held (the federal government and the state of New York, the two outstanding exceptions, are now in process of working out their classifications). The approximate number of classes, each requiring a separate kind of examination, in a few jurisdictions working under a duties classification are as follows:

City:	
Chicago	900
Milwaukee	500
Minneapolis	500
St. Louis	600
St. Paul	400
San Diego	375
Detroit	250
County:	
Los Angeles	350
Essex (New Jersey)	225
State:	
California	225
Illinois	425
Massachusetts	550
Ohio	350
Federal:	
Canada	1,700

As a matter of fact, "blanket examinations of the old fashioned type" are now practically passé. As the committee itself says in the third paragraph of the report, "much credit is due the employment agencies of government for the development of the examination as a means of selection." Duties tests and physical tests came into common use even ahead of the duties classification; and performance tests for the skilled trades were well developed before the war brought to attention the army trade tests. Recently civil service commissions have seized upon intelligence tests for use where duties and performance tests are not suitable and the United States and other commissions have spent thousands of dollars in adapting them for civil service purposes. Moreover, a system of exchange has been developed by which even the very weak and small commissions have actually taken advantage of the advances made by their stronger fellow workers.

I might go on at great length pointing out example after example of the committee's failure to secure the facts as I have seen them in my recent visits to civil service commissions or as I have painstakingly gathered them through correspondence. However, let that pass. For present purposes I am willing to assume that every statement alleged by the committee is gospel truth. But what about the interpretation of these "facts" as given?

TRANSFERS

Again space permits the discussion of only a few examples. On page twelve of the typewritten report in my possession it is stated that "it may be counted an important sin of omission that the administrative officials and the civil service commission, either separately or together, fail in such large measure in bringing about . . . transfers between different organization units." With few exceptions transfers become necessary, I believe, because the employee does not fit into his job. Civil service commissions, however, as the committee itself states in the third paragraph of the report, have developed effective tests. Consequently in the public service transfers need be made only infrequently to correct mistakes in selection. Yet the committee regards the great success which has been attained in this respect as "an important sin of omission."

Again at the bottom of page six of the typewritten report the committee complains that "the distribution of authority among the legislative body with its salary determining powers, the executive with the appointing power, the administrative staff, and the civil service commission greatly complicates uniform and just administration of personnel policy." Yet the committee itself in its recommendations sticks to this selfsame distribution. It leaves the purse strings in the hands of the legislative body, where they have always been. It leaves to the executive the appointing power. It leaves in the hands of administrative officers the direction of the work of employees and "the original preparation of efficiency ratings and the like." And finally it specifically recommends that the civil service commission be required to exercise numerous functions. It even adds a fifth agency, the proposed civil service personnel committees.

As a final example of faulty interpretation of facts, in a footnote on page three of the typewritten report statistics are given showing the committee's apparent disapproval of the high labor turnover in certain jurisdictions. This is surprising in view of the fact that both civil service administrators and the thinking public are accustomed to regard the turnover in the public service as being too low. How many large commercial concerns can show as low a turnover as the 10, 16.4, 36, and 40 per cent given for the Washington service from 1915 to 1919 or can equal the Minneapolis record from 1917 to 1920 of a total turnover of 124 per cent for four years?

SERIOUS OMISSIONS

Once more I am willing for present purposes to let pass both the correctness of the alleged facts and their interpretation. But how searching is the analysis of conditions as made by the committee? To me it seems superficial rather than fundamental. In the first place, I look in vain for any distinction among cities of different size. Warren, Ohio, with its annual budget of $360 a year and only a part time *ex-officio* employee, is put in the same category with Philadelphia, which has an annual budget of $70,815 and thirty-three full time and three part time employees. In the second place, I look in vain for any distinction as to those matters which could be changed by administrative action and those which require legislative action. Most cities, as is pointed out later, have little to hope for and that only at some uncertain time in the future if they must go to the state legislature, while administrative corrections are always possible. In the third place, I look in vain for any resolution of the complex personnel problem into its component elements in order that each may be attacked separately and therefore more effectively. It seems to me that any report which omits fundamental things of this kind fails to get at the heart of the matter.

For the third and last time, however, I am willing—albeit with increasing reluctance—to let pass both the correctness and the interpretation of the facts and the manner in which the attack is made upon the whole problem. But what about the effectiveness of the remedies the committee recommends? These concern themselves with three things—the central personnel agency, appropriations for its work, and civil service personnel committees. As to personnel committees, I am heartily in favor of them and believe that only good can result from their establishment. I agree with the committee that they should "advise and co-operate . . . in the determination and development of employment and administrative policy." This leaves the whole problem of actual administration to be handled by the commission itself.

THE ONE MAN COMMISSION

Much may be said in favor of the one man commission; less in favor of the selection of the commissioner by competitive examination. This, however, is almost entirely an academic question as far as present practise is concerned. We have an existing body of laws; these laws do not provide for one man commissioners chosen by competitive examination; with few exceptions they can be changed only with the greatest difficulty; and when any city goes to the legislature asking for new legislation, it is altogether likely to ask for something else rather than for a one man civil service commission. Can you see the Tammany cohorts, for example, taking the midnight train to Albany to ask upstate legislators to give them a one man civil service commission? Or can you imagine the citizens of Chicago taking the train for Springfield to urge upon a legislature and governor known to be unfriendly to the merit system that they alter in this important respect a civil service law which has stood on the statute books practically unchanged since 1895? If the committee is aiming at better conditions a generation hence, this recommendation may be discussed on its merits; if it is looking to the general betterment of conditions now or in one, two, or five years, this recommendation need not even be considered.

APPROPRIATIONS

As to appropriations, the committee proposes "simply as a basis of discussion" that appropriations of approximately 1 per cent of the total pay-roll "might well" be provided for the operations of the municipal civil service commissioner it asks for. There are all sorts of objections to this proposal, if it is a proposal (in the same paragraph the committee seems to ask for a very different basis). First, by adding to the list of mandatory appropriations, it is subversive of the doctrines enunciated and accepted by our budget friends. Second, it would have a bad influence on civil service administrators themselves; the best administration and the most rapid advances have been made where the civil service officers have been compelled each year or each biennium to justify their work to the appropriating body and to prove that they need and can use effectively the funds they request. Third, despite the committee's belief to the contrary, there is no "inherent connection between the amount expended on the pay-roll and the amount appropriated for the use of the civil service commission." The commissions of the state of New Jersey and Los Angeles county, for example, are universally regarded as among the best and most economically administered in this country; nevertheless the appropriations in New Jersey are approximately one-third of 1 per cent of the pay-roll and in Los Angeles county, with its much smaller service, slightly more than five-sixths of 1 per cent of the pay-roll. Fourth, such a mandatory provision would entail a wanton waste of the taxpayers' money in most of the large jurisdictions. In New Jersey, for instance, it would mean increasing the commission's appropriation from about $100,000 to about $300,000 a year and in Philadelphia from $70,000 to approximately $310,000 a year. I am convinced from my personal observation of the work of these commissions that both could make good use of somewhat larger appropriations; but I can see no justification for expending for personnel purposes any such sum as 1 per cent of the pay-roll.

To me the conclusion is unescapable that the committee's report gets us just exactly nowhere. Assumptions and assertions are substituted for solid facts to such an extent as to vitiate its conclusions. Added to this is an interpretation of many of the facts which I must regard as faulty. Then the failure to analyze the problem into its constituent elements leads me to doubt the application of interpretations based upon facts which I question. Finally, I find recommendations, based upon these doubtful facts, this loose reasoning, and this superficial analysis, which certainly give no civil service administrator and no interested citizen any immediate means of improving conditions and which require securing from the state legislature sanction for what may prove, after all, to be a mere will-o'-the-wisp.

to expect many of the cities which now nominally have independent civil service systems to provide the funds necessary for their effective functioning. The following budget is the minimum I can conceive for the effective operation of a civil service system in any American city:

	Low	*Medium*	*Liberal*
Salaries:			
Commissioners (unpaid)	....	....	....
Chief examiner and secretary	$3,000	$3,600	$4,200
Assistant chief examiner	1,800	2,400	3,000
Chief clerk	1,200	1,500	1,800
Stenographer-clerk	900	1,080	1,200
Temporary help	300	300	300
Total salaries	$7,200	$8,880	$10,500
Other expenses (printing, stationery, office equipment, telephone, postage, advertising, etc.)	1,500	2,000	2,500
Total	$8,700	$10,880	$13,000

A CONSTRUCTIVE PROGRAM

Is it possible to substitute for the committee's proposals something practicable, something that may be expected to aid both to-day and to-morrow in improving civil service administration in American cities? I think so most decidedly. Being the temerarious sort of person that I am, I am willing to describe (though necessarily only in outline form) the sort of thing which, whatever its faults and imperfections, will, I feel confident, give us something for our immediate needs and lead us toward—not away from—the promised land.

Nothing could be more futile, it seems to me, than the attempt being made in perhaps a hundred American cities to operate a civil service system practically without money by means of unpaid or low paid commissioners and part time or ex-officio employees. Central personnel administration may not safely be left to the inexpert dabbler. To me it seems equally futile

As a matter of fact, I know of no city or other political subdivision which, with an expenditure of as little as $10,000, has a civil service system operating with any high degree of effectiveness. I have come to the reluctant conclusion that unless annual funds of about $10,000 a year can be found, it is rarely worth while to establish an independent civil service commission in any jurisdiction.

What, then, is the answer for these smaller cities? I see two possibilities. One is to leave them to their own devices in preference to giving them the form of a civil service system without its substance. The second possibility, which I much prefer, is that now in effect in Ohio for counties, in Maryland for municipalities and court employees, in New York for counties and villages, in Massachusetts for cities, and in New Jersey for counties, cities, villages, school districts, and other political subdivisions. In these states the state civil service commission acts or may act for these local subdivisions.

In New Jersey local subdivisions adopt the provisions of the civil service law by referendum vote and the state commission automatically becomes their agent. This has the triple advantage of not violating any principle of home rule, of giving high grade central personnel service, and of keeping the cost within reasonable bounds.

So much for the "small" cities with a population of less than 100,000 to 250,000. For the larger cities, if it is assumed that the commission is given the powers it needs to act effectively as a central personnel agency (including the right to check and certify pay-rolls before payment of salaries is made) and that the commission has a reasonable appropriation, an attack can be made on the exceedingly complex technical problems involved in central employment management in the public service. To me this whole problem is so large and, when considered in its entirety, so baffling that I find it essential to break it up in some such fashion as this:

1. *Classification of Positions.*—The grouping of positions on the basis of duties so that those substantially alike can be given common treatment is prerequisite to any effective central control of employment matters. In any jurisdiction without a duties classification, the first step is to get it. If a classification is in effect, it is still important to see that it is a good one and currently maintained.

2. *Compensation of Employees.*—With a duties classification it follows as day follows night that the compensation can and should be related to the duties performed. Such factors as the efficiency with which the employee does his work cannot be wholly disregarded but the duties become the main thing. As a rule a good compensation plan requires that there be minimum, maximum, and intermediate rates, that there be some plan by which employees entering at the minimum be advanced to the intermediate and maximum rates as they become more useful through the experience they gain, and that from time to time adjustments of salary levels be made in accordance with changing economic and employment conditions.

3. *Selection of Employees for Entrance and Promotion.*—With a duties classification searching tests to determine whether applicants have the qualifications essential for the performance of the duties of the positions they seek can be devised. The central personnel agency should keep abreast of developments in selective processes and should maintain a happy medium, neither using tests too searching and therefore too expensive, nor relying upon simple tests administratively easy to give but of little value in foretelling the worth of those tested.

4. *Certification and Appointment of Qualified Persons.*—When vacant positions are to be filled, some formal procedure is necessary to get on the job and the pay-roll those persons who have been tested and found most capable of performing the duties of the vacant positions. This procedure should entail no unnecessary work on administrative officers, should involve no considerable loss of time in filling positions, and should make it impossible for individualistic appointing authorities to evade reasonable provisions.

5. *Regulation of Employees in the Service.*—The awkward term "regulation" is meant to include whatever functions the central personnel agency exercises with regard to employees in the service, such as training, efficiency ratings, transfers, and special and annual leaves. Neither public nor private personnel managers have been able to work out any consistently satisfactory basis for handling these

matters. Certainly some of the most perplexing problems, both of technique and relations, are involved in the proper regulation of employees in the service.

6. *Separations from the Service.* In many respects the matter of getting employees off the pay-roll is as important as getting them on. Resignation as a rule do not present complex problems. Determining the order of lay off when forces are to be reduced and actually bringing about the reduction, however, is much more difficult. Working out, establishing, and maintaining a sound retirement plan is also far from easy. Bringing about forcible removals often degenerates into arbitrary "firing." Getting current and reliable reports as to separations and analyzing causes are perplexing matters.

The above outline indicates the manner in which I regard it as probable that progress will be made in employment management in the public service. The analysis as given can be made finer at will. Just as it stands, however, I believe it will enable any reasonably intelligent and well informed person to study the effectiveness with which any city civil service commission operates; to spot with a considerable degree of accuracy the respects in which it is doing its work well and in which it is falling short of reasonable achievements; and to bestow praise where praise is deserved, to place blame where legislative or administrative officers are culpable, and to help in working out the solution when remedial action is found necessary.

SPOILS SYSTEM STILL AN ACTIVE FACTOR

BY WILLIAM DUDLEY FOULKE

President, National Civil Service Reform League; Vice-president, National Municipal League

The thesis of the civil service committee of the National Municipal League is essentially this: That after forty years' experimentation of civil service commissions, as a checking agency for preventing the use of offices as political spoils, the time has now come for *changing the emphasis* from negative to positive functions and completing the program for the promotion of efficiency.—"The spoils-curbing aspect of employment," says the report, should be made "subordinate and incidental."—It were indeed devoutly to be wished that the time for changing this emphasis had really arrived, that spoils were so far eliminated that we could afford to relax our efforts to resist them! But where the spoils system is still rampant there is small hope of attaining effective or economical government. It is only where that system has been measurably eliminated that we can afford to change our policy. The committee's report emphasizes the lesser evils of inefficiency and extravagance and largely ignores the greater.

SPOILS SYSTEM WORSE THAN BAD ADMINISTRATION

For the spoils system is infinitely more ruinous than mere bad administration. It affects not only the civil service, but the entire electorate, and our whole political life. Where parties struggle for patronage and not for principle, nor to secure good men;

where the millions of offices, national, state and municipal, are the "bribery chest" (as Roosevelt calls it), out of which to pay the baser political services, wholesome democratic government cannot exist. We might have a bad civil service and pay twice as much for it as we ought to, and still survive and prosper, but we cannot live as a democracy if political spoils are the animating stimulus of our governmental activities. There is little use even to talk about the effectiveness of the service in those places where the spoils system prevails. The committee's report insists that government is retrograding as an employer and that the service stands lower now than during or since the war. Wherever the statement is true it is because the spoils system has encroached upon the classified civil service or has infected it. Take the federal service, for example.

It was only last year that a concerted attack was made upon the merit system by those high in authority. The attorney general sought to discredit it before a congressional committee. Mr. Bartlett, former civil service commissioner and afterwards first assistant postmaster general, endeavored to start a propaganda to remove all key positions, as they were called, from the classified service. The president himself arbitrarily removed employes from the bureau of engraving and printing without notice, in plain violation of law, and apparently for political reasons. A politician was appointed as assistant secretary of the treasury, who endeavored to "Hardingize" the service and to reorganize the customs service along political lines. Open attacks on the system were made by political leaders in congress, insisting that the mere fact that a man was a Democrat was good reason for his removal and the substitution of a Republican in his place. The departments in Washington were threatened with a political upheaval, while in the important positions of presidential postmaster the rule of three, instituted by President Harding, was so manipulated as to lead to the appointment of a Republican recommended by a Republican congressman or the Republican party machine in nearly every case.

With regard to these places, the spoils system is as rampant as ever. It merely masquerades under the forms of civil service reform and competitive examinations. The most fruitful illustration of the degrading influence of that system appears to-day in the general corruption which infects the prohibition enforcement bureau, which by the Volstead law was made congressional patronage. While these things are going on we cannot think of making the "spoils-curbing aspect of employment" as the committee recommends "subordinate and incidental." It must still remain the principal object of our activities.

I have used the federal service as an illustration because it is more widely known throughout the country than any other; but there is no reason to believe that any better condition prevails in the average services of the states or municipalities. Indeed, in some cases it is known to be even worse. There have been times, for instance, in Chicago, when the civil service commission itself has been the agency through which the service of that city has been largely treated as political spoils. Numerous instances might be cited of the invasion of the spoils system into the state and municipal commissions throughout the country. This exists to-day, or has occurred within recent years, in the state service of Illinois, Colorado and Ohio, in the municipal service of Milwaukee, Detroit and many other cities. The condition in Philadelphia before the present administration came into power was deplorable. The cases of Los Angeles, Wisconsin and New Jersey, mentioned in the report as places where the spoils element has been mainly eradicated, are still exceptional. Indeed, in Wisconsin it is far from having been eradicated. So long as this condition exists the civil service commissions must still remain "the sentry at the gate," to prevent the spoils intruders from taking possession.

CAN WE CHANGE THE EMPHASIS?

The report speaks of the great advantages of co-operation. Where there is a common purpose co-operation is highly desirable. But where the purpose is different, where the department head wants to run his office for the benefit of the political machine or to raise his own political prospects, and the commission is trying to preserve it for the sole use of the public, there co-operation would be much like co-operation between the policeman and the thief. It is only where spoils is extinct that full co-operation will exist.

As to the legislature, the case is even stronger, for it is generally the members of the legislature who control appointments as party and personal spoils. The report says that the lack of co-operation with the legislature is not inherent in the character and purpose of the commission. On the contrary, if the legislators want the spoils, as they do, and the commission tries to restrict them, it *is* inherent.

FINE THINGS IN COMMITTEE'S REPORT

There are many phases of the committee's report with which I heartily agree. First, I think it highly desirable that the general responsibility for the personnel should be placed in the hands of the civil service commission, that this body should have closer relations with the administrative departments and should constitute, as the report insists, a central employment agency. The committee are quite right in their insistence that there should not be two bodies, one like the commission, charged with the mere recruiting of the service, and the second like a bureau of efficiency, charged with the general oversight of the personnel, of transfers, promotions, demotions, etc., after admission. Secondly, I agree that the appointments of commissioners ought to be made by the executive head of the government, not as at present mainly with reference to political and personal acceptability, but with special reference to experience, which is now so largely disregarded. Thirdly, I agree with many of the details of the report, for instance, that the probationary period should be utilized far more than it is at present, that committees of employes should be appointed to represent their views and air their grievances, that adequate appropriations be supplied, etc., etc. The thing in which I disagree entirely with the committee is that we ought to stress any of these things as of greater importance than the prime object of our whole system, the removal of that corruption which is begotten by the spoils of office.

NEW PLAN INEFFECTIVE

As to the new policy for the reconstitution of civil service commissions, it seems to me that the scheme proposed would be found utterly ineffective. The first item is that there shall be a single civil service commissioner in place of the greater number now usual. No general panacea is to be found in the mere question of number. Whether the work can best be done by one or three would depend upon surrounding conditions and particularly upon the question who are the three or who is the one. I should say in general that so far as the commission's work is administrative, it can best be done by one commissioner, but so far as it is legislative or policy determining it can best be done by three commissioners. In small places one commissioner is undoubtedly preferable. In large cities and in states three commissioners will more generally be found desirable. Indeed, if a single head for the commission (which is an examining body) is so much better than three, why did the report advocate a board of three persons to conduct the examination for the appointment of the commission? One expert head of a commission appointed by competitive examination, and two unpaid commissioners appointed by the chief executive might work very well. I think myself that one man, the president of the commission, appointed by the head of the government, with two other members appointed by promotion or competitive examination and acting respectively as secretary and chief examiner would furnish an efficient working body, in which the political activities of the political appointee, if injurious to the merit system, could be effectively checked by the two commissioners who receive their places under the competitive system. But I do not regard the mere question of number as of vital importance.

METHOD OF SELECTION NO IMPROVEMENT

The committee proposes that a commissioner should be selected as the result of a competitive examination given by a special board composed of three members, each experienced in the field of employment, one of whom must have been a commissioner, secretary or chief examiner of some civil service commission. One member of this examining board is to be appointed by the chief executive of the government, the second by the local superintendent of schools, the third by the other two members, and as the result of the examination the three names highest on the list should be submitted to the chief executive that from these he should designate the civil service commissioner. This plan has all the evils of the present system of appointing commissioners by the chief executive and none of its advantages. If the mayor or governor is a spoilsman he can get his henchmen into office almost as easily in this way as he can to-day, while he would no longer be held responsible for a bad appointment as if made directly by himself. In the first place, if he had the power of choosing, as the report says, "one and one-half out of the three examiners," the chances are that he would make that power quite effective as against the mere superintendent of schools in his own administration. As a check upon a spoils appointment by an intriguing or political governor or mayor, this protection will be found wholly illusory. In cases where there should be actual disagreement between the school superintendent and the chief executive the manipulation in selecting the third member of the examining board does not offer a prospect of good results. But the worst feature of all is that which allows the executive, after the examination is held and the eligible list prepared, his choice among the three highest eligibles. No one familiar with the manipulation of this "rule of three" in postmasterships can resist the conclusion that the chief executive, if he desired it, would get, if not just the politician he wanted, at least one who would be sufficiently subservient to his designs to destroy the commission's usefulness as an employing agency. I do not believe that any panacea can be found which can always insure the appointment of none but good commissioners. There will inevitably be some danger of the appointment of an undesirable. Nothing but an aroused public sentiment which will constrain the chief executive to select the best will afford adequate protection. My impression is that it is better to let the chief executive appoint, as in New York, three commissioners for long, overlapping terms, than to attempt by any artificial system like that proposed to restrict his authority and to substitute that of a temporary examining board whose qualifications are untried and unknown, and where the chances of an improper selection will be greater than they are to-day. It seems especially necessary, if any such plan as that proposed should be adopted, that the choice should not be made from among the highest three eligibles, but that the top man on the list should be appointed. If we are going to try the examination system for appointment, let us depend on that system alone and not allow any political element to interfere with its results. If there is to be any discretion at all, let the executive have a free hand and hold him responsible. This is no place for a system of checks and balances.

SELECTION BY COMPETITION NO NOVELTY

The plan of selecting a single commissioner by competitive methods is not a new one. It has been proposed and adopted as one of three alternative plans by the Council of the National Civil Service Reform League as early as July 27, 1916, after a long series of discussions by subordinate committees, as well as in the council itself; and I submit that the scheme which we then proposed, which seems not to have attracted the attention of the present committee, offered a very much better scheme for selecting a good commission by competitive methods than the plan they propose. In our draft of a model civil service law for states and municipalities, section 6 provided for the appointment of a single state commissioner by competitive methods. The governor was to appoint on an examining board (a) a member, secretary or chief examiner of some civil service commission; (b) a person engaged continuously for two or more years in selecting employes for positions involving professional or technical skill; (c) a person who had served for two or more years as judge of a court of record. These three persons were to hold an examination and prepare an eligible list and the governor must then appoint the person standing highest as commissioner.

Now this is much better than the plan proposed by this committee. In the first place, it does not take away from the governor the responsibility for the appointment of this examining board nor for the commissioner who may be chosen as the result of this examination. The governor does not divide this responsibility with the superintendent of schools or anybody else, although he is limited to choosing certain persons of experience, as he ought to be. In the next place, it provides that the highest man on the list must be appointed so there is no chance of political manipulation among three certified for appointment. But the National Civil Service Reform League realized that there was grave doubt whether a commission of one man thus appointed would be as successful in its operation as a commission of three, and they therefore inserted in the model civil service law two alternative propositions. In the first of these the commission was to consist of three persons appointed by the governor for overlapping terms of six years each, as at present in New York. By the second alternative, the state commission was to consist of three persons, one appointed by the governor and the other two taken from the classified service and chosen by the method above described. The National Civil Service Reform League did not express its preference between these alternatives, believing that local conditions would better determine which was preferable. As to local municipal commissions, our League presented two alternatives in section 7 of the proposed model law, the first with one commissioner, the second with three. The single commissioner was the man standing highest on an eligible list prepared by the state civil commission. This would appear to be the best repository of the appointing power for municipal commissions. By the second alternative, applying only to municipalities having a population of 250,000 or more, the commission was to consist of three persons, one appointed by the chief executive of the municipality, the other two from the classified service, being those standing highest upon eligible lists prepared by the state civil service commission. In municipalities of less than 250,000, and in all counties, school districts, and other subdivisions of the state, the commission was to be composed of one person in the classified service, the highest upon the eligible list of the state civil service commission. I submit that any one of these propositions affords a far better solution of this problem than the suggestions of the present committee. This model civil service law was published and widely distributed at the time, and I cannot see why its suggestions received no consideration in the present committee's report.

THE MODEL CHARTER

Not only has the National Civil Service Reform League prepared a rather elaborate program, but the National Municipal League itself in its model city charter, provided in 1915, a method for the selection of civil service commissioners. The civil service board, as it was called, was to be appointed by the council, and was to consist of three members, with overlapping terms of six years each. The members of the committee who framed this model charter were men of considerable eminence. A. Lawrence Lowell, president, and William Bennett Monroe, professor in Harvard University; Professors John A. Fairlie of the University of Illinois, Herman G. James of the University of Texas and A. R. Hatton, then of the Western Reserve; Richard S. Childs, Mayo Fesler, Clinton Rogers Woodruff, Robert Treat Paine, N. D. Baker, Delos F. Wilcox, were all on that committee. If the present report should be ratified, the Municipal League would be saying, in effect, "We were all wrong when we proposed any such civil service scheme as that, and advised the cities of the country to adopt it." Has the experience of the past few years really been such as to compel the National Municipal League to reverse its conclusion and to persuade the world by the failure of its counsels in the past to rely upon its counsels of to-day? To me it does not seem that there is sufficient reason for this reversal of policy. The principal evils in the civil service commissions were known at that time. They were due then, as now, to the power of the spoils system, and to propose such a remedy as that embodied in the report of the committee at this time would serve largely to discredit the League as a competent advisor in municipal affairs. Let us not be too much discouraged because conditions in this city or in that are not what we would have them. We are in the midst of a period of general reaction and disorganization as the result of the war. Civil service reformers have not fared nearly as badly as many others. It is my conviction that if the energy and the enormous expenditure of time and labor in preparing and discussing these new schemes had been devoted to a wholesome propaganda to create a public spirit such as would compel executives to appoint good commissioners, we would be further ahead than we are to-day.

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COMMENT

Cleveland is planning for its first election under proportional representation. The new public hall has been leased for the ceremony of counting the votes.

*

Charles E. Ashburner has resigned as city manager of Norfolk, Virginia, to become manager of Stockton, California, at a salary of $20,000 a year. Mr. Ashburner is the oldest manager in point of service in the United States.

*

Gary, Indiana, recently defeated the manager plan by a vote of more than two to one. Gary is a city of about 45 nationalities, with 10,000 negroes, and many were led to believe that the Steel Trust was behind the manager movement.

*

The Eleventh Governmental Research Conference was held in Minneapolis in June. The next meeting will be in Washington at the time of the meeting of the National Municipal League. The executive committee of the Conference has elected Dr. Lent D. Upson chairman and Arch Mandel secretary.

*

The Federal Surplus There has been so much discussion, favorable and unfavorable, concerning the national budget surplus that we believe that our readers will welcome the following authoritative statement prepared by H. P. Seidemann of the Institute for Government Research, Washington, D. C.

"At the beginning of the fiscal year 1923 the national government faced a deficit of approximately $822,455,231.

"In contrast to this forecasted situation the treasury closed its books on June 30, 1923, with surplus of $309 657,460.30, or an improvement of the financial condition of the government of $1,132,000,691.30.

"The question arises, how was this improvement accomplished? How does the budget bureau account for this large variation in the estimates?

"The director of the bureau of the budget explains the differences in the estimates on page 16 of his report for the fiscal year 1923. This report shows that the factors which made it possible for the government to turn the anticipated deficit into an actual surplus were an increase of receipts of $768,101,415.62 and a reduction in expenditures of $363,969,275.68.

"The excess of receipts over the estimates of June 30, 1922, is represented by an increase in (a) Customs revenues of $211,928,866.66; (b) Internal revenue taxes of $424,472,760.83; and (c) Miscellaneous receipts of $131,699,788.13.

"The net decrease in expenditures was realized by reducing the ordinary business expenditures of the government by $148,175,329.82, and by reducing and postponing capital expenditures and fixed charges to the amount of $21 5,813,945.86.

"In this connection, it is of interest to note that the expenditures of the government during the fiscal year 1923 were $263,033,233.52 less than the corresponding expenditures for the fiscal year 1922. The reduction in expenditures approximated the decrease in revenue, which is reported by the director of the bureau of the budget as $267,177,424.32 less than the collections made during the fiscal year 1922."

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A Mass Meeting on the City Budget

James Madison once said: "A popular government without popular information, or a means of acquiring it, is but a prologue to a farce or a tragedy." The commission-manager government of Petersburg, Virginia, has recently inaugurated a striking means of supplying this information to its citizens. Printed reports on the city's work are not generally read by the public and may not be reviewed by the newspapers. Budget documents may not be read, and if they are they may not explain in a satisfactory manner the city's financial program. But Petersburg under commission-manager government actually reaches the citizens and taxpayers of the city, giving them the salient facts about the city's fiscal program and past accomplishments. And the general setting is such that these facts make front-page, head-line news for the papers of the city.

Here is how they did it in Petersburg this year. When the city commission had the budget for the fiscal year beginning July 1 ready for adoption, a mass meeting was called one evening at the high school auditorium. More than 800 people of the city were there. City Manager Louis Brownlow and Mayor Samuel W. Zimmer spoke to them on the fiscal policies as set forth in the budget, and invited questions and criticisms. The manager's speech dealt with the revenues and expenditures of the city government. He took up the appropriations of each city department and explained them fully. The mayor's speech explained the need for economy and set forth at length in facts and figures the results of the expenditures made by the various services of the city government. The next day the *Progress and Index-appeal*, a leading daily of the city, carried on the front page these headlines: "CITY'S $2.00 TAX RATE REMAINS SAME. ECONOMY IS KEYNOTE IN CITY AFFAIRS AS BUDGET SHOWS SLIGHT INCREASE. Citizens attend Mass Meeting in High School and hear City Manager Brownlow and Mayor Zimmer explain how their Money is being Spent—Schools take $18,000 or $20,000 increase in Budget for coming fiscal year—Interest on big bond issue causes but $2,000 increase." Following these headlines was an eight-column account of the meeting and speeches.

This is one means of acquiring the "popular information" that Madison refers to. A great many other city governments might profit by trying the Petersburg idea of "putting the cards on the table" before Mr. Taxpayer and giving him a chance to see that there are no four-flushes being played against him.

A. E. B.
H. W. DODDS.

WHY THE FARMER OPPOSES DAYLIGHT SAVING

BY JOHN A. McSPARRAN

Master, Pennsylvania State Grange

The farmer's viewpoint presented for the consideration of the city reader. :: :: :: :: :: :: :: :: :: ::

FARMERS as a class rise earlier in the morning than anyone except those who work on shifts requiring early morning change. If the clock is advanced an hour he is required to meet that situation by rising an hour earlier.

Effort has been made to have daylight saving in the cities only. This seems at first glance to be fair; but it is not, for the reason that the early morning trains which take the commuter into the city to work haul, in so many cases, the farmers milk to market. And furthermore, there is no strict line of demarkation between the city and country and those who work in the suburbs on farms want the same hours that hold in the cities.

THE COW WILL NOT CHANGE HER SCHEDULE

The question arises why does not the farmer accommodate his work to an hour system and a time of day that will meet the operation of daylight saving. First, he cannot as a rule meet the eight-hour day for the reason that cows cannot be milked twice in eight hours and allowed to go the rest of the twenty-four; neither can stock be fed three times in eight hours and allowed to fast the rest of the twenty-four. In the second place, the farmers occupation is one that has to be followed in conjunction with nature and which must obey laws that are immutable. If there were no dew and crops could be worked with ease any time during the twenty-four hours, he could partially adjust his work to such a plan; but often he cannot get to his work until the sun has dried the crop he is handling. This is especially true of harvesting. During the hours of the late afternoon crops are in the finest condition to handle, but under daylight saving the farmer loses an hour of the very time that he can most effectually handle and harvest his product. To make him pay his help for one more hour of unprofitable time in the morning and lose one hour of the most profitable time in the afternoon only adds one more argument for deserting the farm and adding more families to the already congested condition of most of our cities and leaving less families to produce the food of the nation.

CONFUSION

Possibly the worst situation of all that arises out of the tampering with standard time is the confusion in appointments. Those who work at home and stay at home may not be bothered much by the change in the clock but all who go from town to town, who have engagements in city and country, find provoking difficulty in knowing whether an appointed hour means that hour or an hour before. Often he forgets that a given section has changed the time and fails to make an appointment at all or meets it an hour too soon.

Our forefathers went to quite a deal of trouble to establish a uniform time that would give large sections of the earth's surface the same time. It would seem the wise thing therefore to leave this well established time alone, and if a city wants to go to work an hour earlier to do so. But it has been found by electoral test that the people of the cities do not want daylight saving. City after city that has voted has defeated the proposition. Since the people do not agree to it, the leaders of industry, the chambers of commerce, boards of trade and the like, bring influence to bear on councils that does not represent the whole populace.

WHAT'S THE MATTER WITH KANSAS

BY C. E. McCOMBS, M.D.
National Institute of Public Administration

Kansas experience in keeping the health department "out of politics" by hamstringing the governor. :: :: :: :: :: ::

Opposition to administrative reorganization designed to give the elective head of the government a larger measure of responsibility for control of departmental services is perhaps strongest among those good citizens who are concerned with the promotion of public health and welfare. The intrusion of partisan politics into public health administration has undoubtedly been the cause of inefficient and unproductive public health work in many cities and states. There is, in consequence, a fairly well established opinion among health workers that one of the best ways to "take health departments out of politics" is to put their control in the hands of boards of health, so constituted that complete change of personnel can not be made during any one administration.

The situation which has recently arisen in Kansas with respect to public health administration is one that deserves thoughtful consideration by any one who believes that board administration of public health according to the above mentioned plan is a good way to "take health departments out of politics." According to recent reports "the state capitol is a boiling caldron of partisanship," and "Kansas faces the greatest political battle since the legislative war of 1893," as the result of the attempt on the part of Democratic Governor Davis to oust a Republican board of health holding over from a previous administration and to substitute for it a board of his own selection. The governor has appointed his new board which has proceeded to elect its secretary and to take possession of the health department offices. The old board of health refuses to abandon the field, holding that its term of office has not expired, and it has elected its own secretary. The office force of the health department refuses to obey the orders of the newly appointed board and secretary. To make matters worse the executive council of the state which is composed of four Republican officials and the Democratic governor, refuses to endorse the governor's action and approves by a vote of 4 to 1 the action of the old board of health in resisting the ouster.

That this political squabble will contribute to the promotion of public health administration in Kansas is to be doubted, unless, of course, it leads to a general reorganization of the state government. If the governor's board is ultimately sustained it will be handicapped from the outset by the antagonism of many of the health workers of the state who will, rightly or wrongly, attribute the governor's action to partisan political motives. If the old board of health withstands the assault upon it and remains in power, it will not be in harmony with the administration of which it is a part and will suffer in consequence.

TWO IMPORTANT LESSONS

It seems to the writer that there are two important lessons to be learned from the Kansas imbroglio. The first is that board administration of public health offers far greater opportunity than any other type for the entrance of partisan politics into public health affairs, which is the very thing board administration is claimed to eliminate or, at least, minimize. The second is that the elective head of the government ought, if he is to be really responsive and responsible to the electorate, to have full authority to hire and fire those on whom the administration of his departmental policies depend. There probably would have been no serious, state-rending issue of patronage or partisan politics had the administration of public health in Kansas been in the hands of a single executive whose tenure was dependent upon the will of the governor. The governor under such circumstances might have removed an executive appointed by his predecessor and put his own man in charge of state health work, but if it had clearly been his right to do so, it is more than likely that he would have exercised his right with discretion and with more regard for the health interests of the state than for the political considerations involved. A governor having a single health executive to appoint has more incentive to make that appointment a good one than the governor who has authority merely to select a minority in a board of health. In the first case, the governor must accept full responsibility for the work of the health department; in the second instance he can quite properly refuse to accept such responsibility.

Kansas seems to be in need of a reorganization of its administrative agencies in such a way that the governor can really govern. Perhaps the right answer to the question, "What's the matter with Kansas?" may be found in a thorough-going study of the state government and the adoption of those principles of administrative consolidation which have been found effective elsewhere.

MUNICIPAL RESEARCH IN JAPAN

A REPORT TO AMERICAN RESEARCH WORKERS

BY CHARLES A. BEARD

Dr. Beard has just returned from Japan where he helped organize a municipal research bureau in Tokyo. There is strong sentiment throughout Japan for improvement in municipal methods. ::

TOKYO has the first liberally endowed bureau of municipal research in the world. American institutions of the kind are sustained by annual gifts and dependent upon the winds of fortune. Japan builds upon more solid foundations. In the United States leadership in municipal research is usually undertaken by private citizens who have no political affiliations; in Tokyo leadership is taken by one of the first statesmen of Japan, Viscount Shimpei Goto, who for nearly half a century has filled posts of honor in the government of his country—civil governor of Formosa, president of the South Manchurian Railway, minister of home affairs, minister of railways, minister of communications, foreign minister, and most recently (1920–23) mayor of the capital of the Empire.

INSTITUTE WELL ENDOWED

It was under the leadership of Viscount Goto that the Institute for Municipal Research was established in Tokyo on Febuary 24, 1922. Throughout his long career, the Viscount had always based his policies upon research; and wherever he worked he established institutions for scientific inquiry. As a result of his experience in administration he became convinced that scientific research offered the best hope to those who were trying to find an easy transition to a better order of things.

On his election to the office of mayor of Tokyo, he at once began to make plans for the new Institute. A report on the organization and work of the New York Bureau of Municipal Research was prepared and circulated among interested citizens. The support of a prominent banker, Mr. Z. Yasuda, was secured and it was found on his death in 1921 that the sum of Yen 3,500,000 had been left to Viscount Goto for municipal research.

This amount was supplemented by large gifts by two other Japanese gentlemen of public spirit. A board of trustees composed of more than one hundred and fifty leading citizens of Tokyo was organized and the Institute formally launched in 1922.

Shortly after the inauguration of the new Institute, Viscount Goto honored me with an invitation to come to Tokyo and co-operate with him and his colleagues in developing the program of work. On my arrival in Japan on September 14, 1922, the Viscount announced that he had in mind four different tasks. First of all he intended to begin a campaign to arouse a deeper interest in municipal government among college and university students and citizens of Japan. In the second place, he was confronted by a number of concrete problems in taxation, assessments, transportation, and consolidation on which he wished light from American experience. In the third place, the work program, library, and research methods of the Institute were still in a formative stage and called for a good deal of attention. Finally, Viscount Goto told me to imagine myself mayor of Tokyo for the time being and to make a report to the citizens on the problems of the city, expressing my opinions "freely and without reserve."

CAMPAIGN FOR STUDY OF MUNICIPAL GOVERNMENT

The Viscount is rightly known as the "Roosevelt of Japan," for hard work began on the second day after my arrival, with visits to some of the important institutions of Tokyo. The campaign to arouse popular interest in municipal affairs opened with a dinner which was attended by Baron Kato, premier of Japan, Count Uchida, minister of foreign affairs, Viscount Shibusawa (who had visited the New York Bureau and wanted to know how it was getting along), the Hon. Charles Beecher Warren, the American ambassador, and other distinguished guests. That was followed by a reception by the entire board of trustees and another by the city council; at the latter the subject of special assessments was the topic for discussion. Courses of lectures were given at the Imperial University of Tokyo and at Waseda University. Single lectures were given at the other colleges and universities in the city—not overlooking the women's colleges and the American School.

In November, Viscount Goto started on his grand tour. Lectures and addresses were given in Kyoto, before the city authorities, citizens, and students; in Kobe before the city authorities; in Osaka before the city authorities, the Economic Association, and a body of citizens assembled under the auspices of the Osaka *Asahi*, one of the leading newspapers of Japan; and in Nagoya before the city authorities and citizens. Everywhere our party was greeted by large and enthusiastic audiences, bearing witness to the confidence and esteem enjoyed throughout Japan by Viscount Goto. The addresses were translated into Japanese and published in the great newspapers, thus given a circulation running into the millions. On the return to Tokyo the latter part of November, we had the pleasure of speaking before the first city planning conference of Japan.

JAPANESE OFFICIALS WELL INFORMED

After delivering thirty or forty lectures and addresses, I settled down at the Institute for a winter of hard, but intensely interesting work. There were innumerable conferences with city officials about American experience in dealing with all kinds of municipal questions—conferences in which I was deeply impressed by the knowledge and insight displayed by the Japanese officers. Nothing that goes on in the western world seems to escape their eagle eyes. The latest and technical magazines in French, German, and English are at their disposal and they read them. When I called on Dr. Mizuno, the home minister, his first question was "How is the city manager plan working in America?" He also wanted to know my opinion about the future of the plan in large cities like Cleveland. As soon as Viscount Goto read the New York *Times*' account of Mayor Hylan's grand subways' scheme he called me on the telephone and asked me to make a summary of New York experience with subways. For five months I was busy answering questions, and cabling to the New York Bureau for help when my slender store of information broke down!

In the organization of the Institute, the problems were simple. The large board of trustees had elected a small board of directors who managed the institution. The organization and machinery of the New York Bureau in general were well known and there was little to do except to fill in the details, explain our working methods, and assist in developing the library. After experimenting in collegiate administration, the board of directors finally appointed one managing director, Mr. K. Matsuki, a graduate of the Tokyo Imperial University, formerly director of the Imperial Government Railways, manager of the street railways of Tokyo, and vice-president of the Yamashita Steamship Company. The director of the Tokyo Institute is therefore a man of thorough training and wide experience in public affairs as well as private business. Broad and liberal in his views on public questions and thoroughly conversant with the essential ideas of research, he is well fitted to take leadership in the new movement in Japan.

TOKYO SURVEYED

In the midst of many other activities, I carried forward the work of making a general survey of Tokyo. In this I had the assistance of many able city officials among whom I should mention especially the assistant mayors, Mr. Nagata, Mr. Ikeda and Mr. Maeda, whose knowledge of western municipal theory and practice is precise and deep. I was also fortunate in securing the help of Dr. Seigo Takahashi, of Waseda University. Dr. Takahashi took his doctor's degree at Columbia University and spent many months working in the New York Bureau; he is familiar with research and survey methods and is one of the trustees of the Institute. During my six months in Tokyo he put aside everything else and devoted himself unreservedly and generously to the common cause. Thus, aided by many skilled workers and afforded every facility for examining books and papers and visiting offices and institutions, I was able to complete a general survey of the administration and politics of Tokyo. The entire survey has already been translated into Japanese and will be published in English by the Macmillan Company during this autumn. A digest was given to the public on March 15, 1923.

One more interesting undertaking should be mentioned in conclusion. Under the direction of the assistant mayor, Mr. Ikeda, Tokyo had organized a training school for public service and in February I had the privilege of delivering a course of lectures in the school before the most remarkable audience which I have ever faced. It was composed of officials, engineers, and specialists from the great cities of Japan, professors from the universities, and members of the research staff of the Institute for Municipal Research. All of them understood English and brought informed and critical minds to bear in the discussions that followed the lectures. It is one thing to lecture to college boys and girls; it is something else to lecture to adults of long experience in doing the work of city government!

The Tokyo Institute for Municipal Research is now on its way. It has already published a comprehensive study of the problem of consolidating the urban areas of Greater Tokyo and proposed a new charter for the enlarged municipality. Its suggestions are before the Imperial government awaiting action. The Institute is carrying on researches in the fuel and electric power problem, marketing facilities, housing, finance and taxation, and police. It has published the lectures and addresses on municipal government which were delivered before the city authorities, a digest of my survey of Tokyo, a translation of the *National Municipal Review* supplement on special assessments, and several other special studies.

May the new Institute live and prosper! It is certainly a welcome addition to the ever widening circle of institutions devoted to scientific research in public administration.

MUNICIPAL OWNERSHIP IN DETROIT

THE STORY OF THE FIRST YEAR'S OPERATION OF THE STREET RAILWAYS

BY LENT D. UPSON
Director, Detroit Bureau of Governmental Research

Dr. Upson relates the findings of an expert and judicial survey of municipal street railway operation in Detroit. :: :: :: ::

On May 15, 1923, Detroit completed its first year of municipal ownership and operation of a unified street railway system. On this occasion Mayor Frank E. Doremus gave a statement to the press that the system had earned in excess of $1,000,000 during that year. This statement has attracted comment and criticism from two principal sources,—first, organized and unorganized anti-municipal ownership propaganda which deliberately misinterprets the facts presented; second, from conscientious citizens who want to be convinced that municipal operations have been more successful than private.

Municipal operations in Detroit may be judged by two criteria,—financial results and service. It has not been seriously contended that the service under municipal ownership has been worse than under private ownership,—probably it has been better,—and the storm has raged principally about financial results.

THE FINANCIAL RECORD

The municipal street railway system is a unification of 61½ miles of work constructed by the city, and 312 miles purchased from the Detroit United Railways, giving a total milage of 373½. Outstanding against the system are $19,000,000 in thirty year bonds and a $17,000,000 purchase contract that must be liquidated in ten years,—all such debt charges as well as all operating charges and taxes to be paid from earnings. The rate of fare is five cents with one cent for a transfer, giving an average rate of slightly less than five and one-third cents. The real financial issue is whether the department of street railways must earn enough not only to liquidate debt charges in excess of $2,000,000 a year, but also to create a depreciation fund sufficient to maintain the plant at present value. It is very questionable whether at the present rate of fare, the municipal railway can meet both charges completely. If, as is contended by some, municipal ownership, to be a success, must meet both charges, probably the discussion need go no further.

However, there is presumably some argument against this contention. No privately owned utility is required to retire its funded debt from earnings. It is questionable whether any public utility commission would permit a rate sufficient for such retirement in addition to providing for depreciation. The Detroit charter does not specifically require that both charges shall be met completely. The charter states that sufficient debt, in the discretion of the board of street railway commissioners, shall be retired so that the system be eventually paid for out of earnings. It is only circumstance that nearly one-half of the system must be paid for within ten years. The drawing upon a depreciation fund for money to pay this debt practically results in refunding it over a longer period of years.

The financial statement for 11½ months' operation substantially in the form submitted by the department of street railways, is as follows:

Operating revenues		$19,067,631.30
Deduct:		
Operating expenses	$13,368,796.72	
Taxes, rents, etc.	634,641.15	
Interest	1,795,487.07	
Sinking fund charges	2,238,070.73	18,036,995.67
Net profit carried to surplus		$ 1,030,635.63

A more practical manner of reporting would take a form usual in privately owned utilities:

Operating revenues		$19,067,631.30
Deduct:		
Operating expenses	$13,368,796.72	
Taxes, rents, etc.	634,641.15	
Interest	1,795,487.07	
Depreciation	2,000,000.00	17,798,924.94
Net profits or surplus available for debt retirement or other purposes		$1,268,706.36

In other words, were this a private utility, it would actually have met all of its depreciation charges and other operating expenses including interest, and had a balance of $1,268,000 as profit. The depreciátion is an estimate. It may be more than $2,000,000- a year, but it is probably less. This rate is figured at 5 per cent on $40,000,000 for the entire year and on assets of every character. This profit of $1,270,000 is available for the retirement of debt and represents the increased equity of the city in the system. This is certainly a substantial conformance with the charter requirement that the plant be acquired eventually out of earnings. The creation of a depreciation reserve which would actually indicate the lessening value of assets through wear and tear would in no way affect the amount of cash available for the retirement of debt, which requirements are in excess of $2,000,000.

SERVICE STATISTICS

Service is not so easily appraised, being subject to as many *à priori* judgments as there are car riders. In a statistical way, however, it is worth while to note that in May, 1922, there were, 1,530 cars in operation with an average monthly mileage of 3,500,000. One year later, there were 1,616 cars in operation with an average monthly mileage of 4,271,000. The increase in total number of passengers was from

36,700,000 to 41,700,000. Approximately 500 of the city's cars were new, among them being 175 of the Peter Witt type.

Correlative to service is the subject of maintenance. It has been charged that the department of street railways has spent an inadequate sum on the maintenance of way, overhead and equipment. What constitutes adequate maintenance is too disputatious a subject for consideration here. It must be borne in mind, that Detroit purchased so depreciated a system that it was freely predicted that uninterrupted service could not be continued. In June, 1922, one car broke down for every 2,000 car miles operated and trolley breaks totaled nearly 300 for one month, and for an average of five months were never less than 200 per month. In April, 1923, breakdown of cars had been reduced to one for every 5,000 car miles operated and trolley wire breaks reduced to about 90 per month. This latter is the result of stringing 60 new miles of copper and repairing and replacing aboutone-third of the entire system.

Street paving continues in bad repair. The D. U. R. over a period of three years immediately prior to acquisition by Detroit, spent an average of $185,000 a year on paving over an urban and interurban system, totaling 800 miles. In approximately one year, the city of Detroit has spent in excess of $200,000 on an urban system of 373½ miles. It is estimated that the rehabilitation of the city's lines and equipment will cost between $5,000,000 and $6,000,000. Such rehabilitation might properly be charged to capital. Since capital is not available, it must be done from earnings, which means that the criticism of tracks and pavements in bad repair will continue for some years to come. Obviously, the system cannot accomplish a complete rehabilitation in one year. Nor can service be largely improved until some satisfactory plan of re-routing or under-ground dips is established. At present, 18 of the 27 car lines center at the city hall, and during rush hours, 700 cars per hour pass this point. There is a physical limit to the number of cars that can be operated on a given piece of track during a given time, no matter what the demand for service may be.

The Detroit Bureau of Governmental Research has just concluded a study of the finances of the department of street railways for the period of 11½ months that has elapsed since May 15, 1922, the date of the unification of the system. This report endeavors to deal in an unbiased way with the actual financial facts as indicated by the records of the department of street railways. Copies will be sent to any who may be interested, upon request, and such readers may draw their own conclusions as to whether or not municipal ownership in Detroit has been a success.

DETROIT SHOULD SUCCEED

From the writer's point of view, however, there is no particular reason why municipal ownership should not be a success in this instance. The plant was bought at probably only a part of its true value and the outstanding debt against it is presumably very much less than would be the liabilities of a private corporation. The system, at least for the present, is free from politics; has had available a certain amount of capital for improvements; has operated during a year of unusual prosperity and has had competent direction, many of the operating heads having held similar positions with the private corporation. On the other hand, there is no particular reason for believing that private ownership, under similar conditions, would not have done as well. Unhappily, there is a feeling abroad in the land, that the results of municipal ownership in Detroit are going to affect vividly the municipal ownership of utilities in many municipalities and have a bearing upon the nationalization of steam railroads. In consequence, the critics of governmental ownership have ascribed all sorts of derelictions to the Detroit experiment and the friends of municipal ownership have discovered untold virtues. Success for one year in Detroit does not insure permanent success, or insure similar results for other cities.

The Detroit Bureau of Governmental Research has made just one general conclusion from its examination of the complex financial problem confronting the department of street railways and that is that under the circumstances, creditable progress has been made. Aside from this one conclusion, the bureau has presented only facts, believing with James Madison, "That a popular government without popular information or a means of acquiring it, is but a prologue to a farce or a tragedy.

PENNSYLVANIA REORGANIZES

PINCHOT CODE NOW EFFECTIVE

BY LEONARD P. FOX

Pennsylvania State Chamber of Commerce

One hundred and five independent agencies consolidated in orderly arrangement. :: :: :: :: :: :: :: :: ::

Governor Pinchot's administrative code passed the legislature without radical amendments and became effective on June 15. It compresses 105 independent agencies of state administration, excluding institutional trustees, into 14 code and 3 elective departments, 3 commissions and the state police. The code departments are state and finance, justice, public instruction, military affairs, agriculture, forests and waters, labor and industry, health, highways, welfare, property and supplies, banking, insurance and mines; the elective departments are treasury, auditor general, and internal affairs; the commissions are game, fish, and public service.

Twenty-two independent administrative units are abolished outright by the code and their functions suspended or transferred to other agencies. Eight independent agencies are abolished as such but become administrative bodies in the major departments. Thirty-four independent agencies are bodily transferred to the major departments for purposes of fiscal control. Twenty independent boards and commissions remain undisturbed, among them being certain codifying, investigating and administrative bodies of a temporary character.

Eleven advisory boards and commissions are created in the several departments. Twenty-eight boards of trustees of state institutions are placed in the welfare department and three in the department of public instruction, with the head of the controlling department as an ex-officio member of each board.

The administrative code gives the governor not one big stick, but two, to wield over state departments, viz. fiscal control and direction of their internal reorganization. These provisions effectively centralize current control over all state administration in the governor's hands.

AN EXECUTIVE BOARD ESTABLISHED

The executive board is made the real dictator of internal reorganization in state administrative units. As chairman of the board the governor has appointed to it four other members,—the attorney general, secretary of state and finance, secretary of forests and waters and secretary of highways.

Excluding the elective officers, the heads of the several administrative departments, boards and commissions shall, subject to the executive board, establish such bureaus or divisions in their respective departments, boards or commissions as may be required for the proper conduct of their work. To facilitate this exercise of power the code has abolished practically all statutes fixing the structure of the several agencies of the executive department, or creating offices, or fixing salaries, except in the elective and constitutional departments. The board also standardizes salaries and wages, fixes the working hours of state offices, investigates duplication of work in the several administrative units and the efficiency of their organization and administration, and recommends to the governor plans for better co-ordination of departments, boards and commissions.

The number and compensation of all employes appointed under the code is subject to the approval of the governor.

Unless otherwise provided in the code, departmental administrative bodies, boards and commissions within the several administrative departments shall exercise their power and perform their duties independently of the heads or any officers of the respective administrative departments with which they are connected. But in all matters involving the expenditure of money all such administrative boards and commissions shall be subject and responsible to the administrative departments with which they are connected.

A BUDGET SYSTEM AT LAST

Such pyramiding of fiscal control in the major departments, plus uniform accounting systems installed by the secretary of state and finance and periodic fiscal reports to the governor, paves the way for the governor's budget and his current control of lump sum expenditures authorized by the legislature.

The secretary of state and finance prepares and submits budget estimates in writing to the governor before January first of each odd-numbered year. Within four weeks after the receipt of budget estimates from the secretary of state and finance, the governor is required to submit the budget to the general assembly, embracing therein the amounts recommended by him to be appropriated to departments, boards and commissions of the state government, to institutions within the state and for all other public purposes. He is also required to furnish an estimate of the revenues or receipts from all offices and an estimate of the amount to be raised by taxation.

Each independent department, board and commission, except the elective officials, shall, from time to time as requested by the governor, prepare and submit to him for approval or disapproval an estimate of the amount of money required for each activity or function to be carried on by it during the ensuing month, quarter or such other period as the governor shall prescribe. If the governor does not approve such estimate, it shall be revised to meet his desires and re-submitted for approval. After approval by the governor no appropriation or part thereof shall be spent except in accord with such estimate, unless it be revised by him.

Each departmental administrative body, board and commission must furnish promptly to the head of the department such information as he may request for the departmental budget estimates or the periodical estimates of the current expenditures of the department.

Lump sum appropriations for supplies and printing are continued, but provision is made for equitable distribution thereof to the several departments in accord with their needs by the executive board.

CENTRAL PURCHASE

A supplementary check on departmental expenditures is afforded by the enlarged purchasing powers of the department of property and supplies, which absorbs the work of the old department of public grounds and buildings and of the department of public printing and binding. This department is required to formulate standard specifications for all articles, materials and supplies used by the administrative departments, boards and commissions and by state institutions, with the express proviso that no specification can be fixed until it shall have been approved by the department, board or commission using the articles. The department of property and supplies is required to purchase all articles necessary for the use of the state government except for the department of health and the highways department; to act as the purchasing agent for any department, board or commission which is authorized to purchase and pay for supplies; and upon request to act as the purchasing agent for state institutions.

To secure economy in public printing, the department of property and supplies shall edit all state publications and determine the number to be printed on the basis of actual need.

With respect to the Pinchot code, Governor Sproul's Reorganization Commission stands as forbears. The code embraces generally the major principles of the Reorganization Commission's recommendations, although in many instances the methods of working out these principles differ; and in some cases the code makes advantageous extensions of the commission's guiding principles.

This code is designed to apply the organization principles of private business to the handling of the state's business; and in the Governor's opinion is necessary if the state departments are to operate in 1923–1925 on a 25 per cent cut in appropriations as compared with 1921.

THE SUPREME COURT AND REPRODUCTION VALUE IN RATE MAKING

BY JOHN BAUER, Ph.D.
Public Utility Consultant, New York City

The recent decision of the supreme court has been erroneously interpreted as adopting reproduction cost as the sole basis of valuation.

THE recent decision of the supreme court of the United States on valuation of public utility properties (*South Western Bell Telephone Company* vs. *Public Service Commission of Missouri*, decided May 21, 1923), has received much hasty and unjustified interpretation. It was recognized almost generally by the press, by public utility interests, also by public officials, as acknowledging the right of public utility companies to have their return based upon the reproduction costs of their properties instead of actual investment, as urged by most of the public utility commissions and public officials.

REPRODUCTION COST NOT THE SOLE BASIS

This view, however, is hardly warranted by the actual decision or by the majority opinion of the court. The fundamental question at issue has probably been affected very little. Far back in 1897 the supreme court, in the famous case of *Smyth* vs. *Ames* (169 U. S. 466), declared that in fixing rates the public authorities must allow a fair return on the "fair value" of the property used in public service. In amplifying the idea of "fair value," the court stated that

> . . . the original cost of construction, the amount expended in permanent improvements, the amount and market value of its [company's] bonds and stocks, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. . . .

The indefiniteness of "fair value" as thus presented has been the basic difficulty of rate regulation. It has caused untold litigation, expense and cross purposes between companies and the public, and to a large extent has defeated the very purpose of regulation. The difficulty, of course, is that the presumed definition does not define. If all the factors enumerated must be taken into consideration, what weight must be given to each? Until the basis of return is definitely determined, showing exactly what the companies are entitled to receive and what the public is obligated to pay, the rule of "fair return on fair value" will serve only to confuse and to incite to litigation.

The commissions and public authorities have held mostly that the return should be based on actual investment; that this is fair value. The companies, however, because of the almost steadily rising prices since the date of *Smyth* vs. *Ames*, have urged that the reproduction cost of the properties is the fair value intended by the court. But in all the cases before the court since 1897 no more precise standard has been laid down than that prescribed in

Smyth vs. *Ames*. And only slightly, if any, greater precision has been added in the recent *Southwestern Bell* decision.

THE CASE AT ISSUE

This case involved the validity of telephone rates fixed by the Missouri public service commission. The court declared the rates confiscatory as not bringing a fair return to the company. The majority opinion reviewed the commission's findings, which had based the rates on an actual investment of $20,400,000. It pointed out that a large proportion of the property had been installed prior to the war; that no allowance had been made by the commission for reproduction cost, and that in view of the higher level of future prices, it considered the company entitled to a return on $25,000,000;—an increase of 22½ per cent over the actual investment as determined by the commission.

The language of the majority opinion at most signifies only that *some weight* must be given to the reproduction cost element; if reproduction cost exceeds actual investment, the fact cannot be disregarded; an increment must be added to the actual investment in the determination of fair value. But the court does not say that full reproduction cost must be allowed as against investment. Nor does it state what relative weight must be given to the two factors. It does not explain how it reached the particular 22½ per cent increment, when the reproduction cost was probably more nearly 100 per cent above the actual investment.

Nor did the court determine conclusively that some specific weight must be given to reproduction cost. A significant fact is that Judge Brandeis, in the minority opinion joined in by Judge Holmes, concurs in the actual decision that the rates are confiscatory. But while the majority opinion believes that the proper valuation should have been $25,000,000 instead of the actual investment of $20,400,000 fixed by the commission, Judge Brandeis considers the rates confiscatory because they did not bring a fair return on the actual investment. But the decision itself was *unanimous*; the rates are confiscatory. What, then, is the significance of the two opinions other than the decision? Is either opinion on the general matter of valuation, anything more than *dictum*, which would not necessarily control in another case?

The question is whether more was actually decided than that the particular rates are confiscatory. It is not at all clear that the rates would have been declared invalid if they had brought a fair return upon actual investment, but not upon a substantial allowance for higher reproduction cost. Undoubtedly the majority of the court is favorably disposed to the idea that some increment should be added to investment because of higher price level, but is it decided law that such addition must be allowed in determining whether particular rates are confiscatory? In other words, might the court not sustain particular rates which bring (say) a 7 per cent return on actual investment, but will not sustain a higher valuation with a substantial allowance for reproduction cost?

THE CONFUSION IN VALUATION

In the opinion of the writer, the confusion on valuation is due much less to court decisions than to the lack of clear legislative policy in rate regulation. If ten or fifteen years ago, when active regulation was begun and before the higher price level was a serious factor, clear and definite methods of public rate making had been adopted, the valuation chaos would have been avoided and regulation would probably have been reasonably effective.

For the future, there is no real hope for effective regulation until the legislatures and the commissions provide a comprehensive policy and a workable machinery for regulation. This must be based upon definite figures on which the investors will have a right to a return and which the public must pay, as shown by exact accounting.

For such a permanent program of regulation the actual investment appears not only as the fair basis for existing properties, but it must be used for subsequent additions and improvements. Judge Brandeis' opinion in the *Southwestern Bell* case furnishes a clear and brilliant presentation of this view. Effective rate regulation is all but impossible under a fluctuating basis of return, such as reproduction cost of the properties, whose determination would depend at any time upon estimates affecting with personal interest.

A WAY OUT

If the legislature provided directly for such a definite policy and machinery for rate regulation, there is no doubt that future additions and improvements could be limited to a return on actual investment. There is reason to believe, moreover, that in connection with a comprehensive policy, the court would sustain also the initial valuation of existing properties on the basis of actual investment.

But even if some increment for greater reproduction cost must be allowed in establishing a comprehensive policy, this could be limited so as not to create a prohibitive burden upon the public. An adjustment, for example, might be restricted to the part of the investment represented by capital stock. Since the bondholders in any event are limited to a definite return in dollars, there is no reason for allowing an increment to their investment, for they would get no benefit from the adjustment. If the entire investment were fully brought up to reproduction cost, the stockholders would get the benefit of adjustment for higher price level, not only on their own direct investment but also on the bondholders'. But no scheme with such results can be seriously urged upon equitable grounds. Adjustment, therefore, should be limited, in any event, to stockholders' investment.

If this view were accepted by public authorities, allowing an adjustment for higher prices on stockholders' investment but not on bondholders', there would be no serious public burden if for the purposes of a permanent rate base the valuation of existing properties were to such extent based on reproduction cost. Such an increment could be fairly justified. In most cases, however, the bulk of the investment is bondholders'; the stockholders' seldom exceeds 25 per cent of the total. An adjustment on this relatively small element of the total investment would not be burdensome, and the public could well afford to pay the slight additional return for the sake of definiteness of rate regulation for the future.

To illustrate, assume that the actual investment in a given case is $1,000,000, contributed 75 per cent by bondholders and 25 per cent by stockholders. Assume that on broad equitable grounds we agree to an adjustment in the stockholders' investment because of a present 60 per cent higher price level than when the investment was made. This amounts to an increment of 60 per cent on 25 per cent; only 15 per cent on the total investment. With this increase, the company would receive a return on $1,150,000 instead of $1,000,000 actual investment.

Such an adjustment for higher price level would manifestly not be burdensome to consumers, would treat the investors fairly in face of the greatly increased price level, and would undoubtedly be approved by the supreme court even under the *Southwestern Bell* decision. If the existing properties were appraised on this basis and the results taken as a permanent rate base, to be increased only with future net additional investment, everybody would be treated fairly, and regulation would cease to be clogged by litigation. The reciprocal rights and duties of the investors and the public would be maintained by exact accounting, no longer affected by vague phrases, rhetoric and prejudiced opinion.

CITY MANAGER AND P. R. CHARTER SUSTAINED IN BOULDER

A TALE OF AN EXTRAORDINARY CAMPAIGN

BY WALTER J. MILLARD

The author took part in the campaign and had full opportunity to study the strange forces involved. :: :: :: :: :: ::

An attempt to overthrow the city manager plan in Boulder, Colorado, which culminated in a referendum on April 10, was one of more than usual intensity although it was defeated by an overwhelming vote. More people voted on the question than had ever voted at a Boulder election before, and by 2,730 to 1,340 the amendments, which would have given the city once more a mayor and council type of city government, were defeated. This endorsement of the present charter was fifty votes in excess of two to one, and it is noteworthy that every one of the four voting places helped swell the majority.

Boulder not only has a city manager but is unique in being the first American city to put in the Hare system as an integral part of the charter adopted in 1917. Ashtabula, Ohio, used the Hare system before Boulder did, but Ashtabula adopted it as an amendment, through the use of the initiative and referendum, to a charter already adopted but not yet in operation. Boulder did not adopt the Hare system, however, in a manner that received the thorough endorsement of the officers of the Proportional Representation League.

Boulder has a city council of nine members elected in sets of three every two years, each set having a six year term. Inquiry among members of the commission which framed the charter disclosed that the reason for this arrangement was to ensure continuity of experience in the council. While it of course produces this result, it has the disadvantage of leaving 25 per cent of the voters without representation. The very appearance of a movement for a virtual abandonment of the charter shows that it is dangerous to leave such a large percentage voiceless in the city council.

NEW CHANGES PROPOSED WITH FAR-REACHING EFFECTS

It was at first supposed by the officers of the P. R. League that only the Hare system was the object of attack but when the writer reached Boulder it was found that the proposed amendment would have abolished the manager plan as well. In October, 1922, a petition, with signatures in excess of 5 per cent, had been presented to the city council seeking to amend the charter and providing for a separate vote on each item. The city attorney ruled that such a petition would have to be voted upon, because of the terms of the Colorado initiative and referendum law, at the election to be held November, 1923. Thereupon the petitioners got out another petition in which the various changes were submitted as one amendment and got 10 per cent of the voters to sign it. This necessitated the special election of April 10.

Some of the proposals in the amendment were a council of eight, two elected from each of four wards, and a mayor elected at large by plurality vote. Whether a manager would be appointed or not was made optional with the council, and a list of the duties of such a manager was made out, the first of which was "to assist the mayor." If no manager was employed, the mayor was to perform the function of manager. To cap the climax the amendment proposed that all heads of departments were to be appointed by the council. The attitude of those that drafted the proposal toward what they conceive to be the proper function of government can best be judged by the two proposals that follow. At present a certain percentage of the tax receipts must be set aside for park purposes and for municipal band concerts; such expenditures would have been made optional by the amendment. At present a paving district is created on the petition of 51 per cent of the abutting property owners and the paving must be of the type they specify. The amendment provided a very long and costly legislative and legal process if a handful of property owners were opposed to the improvement.

The whole document bristled with the two allied theories of government, first, that democracy consists in electing everybody and, second, that that government is best which performs the least number of social services. When one penetrated the smoke-screen of charges of graft, corruption, juggled books and czarism hurled against the administration of Scott Mitchell, the city manager, it was easy to see that paving districts were after all, to those who wrote it, the most important part of the amendment.

BOULDER'S ENVIRONMENT

Boulder is a city of eleven thousand people nestling against the foothills of the Rockies, an hour's ride north of Denver, at the mouth of picturesque Boulder Cañon. About three thousand of that population is made up of the faculty and student body of the University of Colorado. It commenced its existence about sixty years ago as a gold-camp, but while the world's largest tungsten bearing area lies just west in the mountains, mining is no longer its economic basis. The splendid climate has attracted a large number of health seekers and retired agriculturists. Every summer the summer schools, held at the University and Chautauqua grounds are attracting more and more of the tremendous army of automobile tourists that visit Colorado, and a few of these remain. There thus is created two opposing interests. One wants well-paved streets, municipal music, parks, and all forms of social service. In this group are found the business men, the educators, and those who cater to the tourist trade, and the younger element. The other interest while it usually does not publicly admit that it does not want such things, nevertheless opposes each particular item of civic betterment. In this group are the retired agriculturalist who when it rained on the farm stayed indoors and cannot now see why he should pay for gutters and storm sewers; the health-seeker with a slender income to whom each dollar of taxes is a big item, and finally the real estate speculator who bought for a rise that is slow in coming, some of whom even borrowed money to pay for the lost. Then in order to stir things into action there was found to be the rival groups of paving material people. Boulder has put in practically one kind of paving and the writer was told on excellent authority that after he publicly entered the campaign, telegrams went out to find out if in any way he was connected with those who furnish that particular paving material. The city has one-seventh as much paving as Denver though only one-twentieth of that city's population.

The proposers of the amendment paid little attention to its advocacy, but charged that the water-works finances were juggled, that items were charged to paving districts that should have been debited to the general fund, and generally charged extravagance and corruption by the "paving ring."

The "Charter Defenders," as the organization which defended the charter called itself, were forced in an odd way to see the wisdom of Samuel Butler who in "The Way of All Flesh" says "No man can be considered educated unless he understands the principles of double entry bookkeeping." At every meeting, the charter defenders, and the city auditor, Henry M. Sayre, gave what amounted to blackboard demonstrations in modern bookkeeping. Former and present city councilmen and councilwomen (Boulder has two women on the council) explained nightly the real foundation of rumors that had been growing for two or three years. When the writer first reached the city, the advice given was not to attempt to explain the Hare system because, it was said, many friends of the charter thought it a handicap because it was so complicated. However, better counsel prevailed and a mock election was held at each meeting and hundreds, when they once had the whole counting method explained, were heartily for it.

THE RESTLESS POPULATION

The experience gained at these public meetings revealed a situation confronting city government, more serious in the west than in the east. This situation is the constant and rapid flux of populations. The editor of the *Daily Camera* of Boulder, J. E. Paddock, estimates that there are more people living in southern California who *have* lived in Boulder, than *now* live in Boulder. A tour of the cities of Colorado which the writer made shows that such a changing population is a usual thing. Therefore a very great need arises to acquaint the newcomer with the principles of the city government and explain its activities. But these western cities are relatively poor; that is to say, there are no men with a financial surplus to devote to civic leagues and municipal research. The two daily newspapers in Boulder are friendly to the city government and during the campaign even the usual "locals" were cut down to make room for space for arguments for the charter, but they would usually regard an article on irrigation ditches better material than an exposition of the principles of the city charter.

CAMPAIGN HIGHLY EDUCATIONAL

Though it was a relatively costly and unpleasant process because of the personalities involved, yet, it must be said, the campaign for the retention of the charter gave a majority of the citizens of Boulder their first real knowledge of how the city government operated. Though some of them had not been residents long enough to generate much civic pride the result shows that when they understood the document they were glad to endorse it.

WRATH POURED ON MANAGER FOR POLICIES BEYOND HIS CONTROL

At the time the Boulder charter was being attacked, a similar fight occurred in Durango, Colorado, and the charter there too was sustained. Conversation with the city manager of Durango revealed the same general causes as at Boulder,—objection to improvements and underground rumors together with another cause not yet mentioned. In Grand Junction, Colorado, the writer found recently that a petition to recall the manager was in circulation. And here the reason was the same; namely, a tendency for the opponents of a civic policy to blame personally the manager for carrying out that policy, instead of visiting their wrath upon the council that voted for and is responsible for it. Manager Eichelberger of Dayton says that this trouble has practically disappeared there now, but it is certain that in each of the three Colorado cities named such discrimination does not yet exist widely.

What the individual city administrations of Colorado cannot do for themselves will, it is pleasant to record, shortly be done for them, if they desire, by the extension department of the University of Colorado. Dr. Don C. Sowers, formerly of Akron, has recently assumed charge of the Bureau of Business and Governmental Research and has organized a Colorado Municipal League. This was formed at a conference of municipal officials of Colorado held in April at Boulder.

The Boulder experience shows that even at the cost of lowering the rate of material improvements, it would probably be better to have minorities represented on the council in a more real way than the limited use of the Hare system there now permits. But a better acquaintance with the principles and details of the city government must also be provided, especially with a fluid population. Dr. Sower's work will be very useful in this regard, but personal visits of the council or even official meetings in the neighborhood schoolhouses might bring about the closer personal relations needed. Prof. Ira De Long, who as chairman of the charter commission planned the charter along the lines of the League's Model Charter and who worked indefatigably to retain it, now believes that when a revision of it is undertaken by its friends he will urge a more liberal use of the Hare system, such as election of the nine councilmen at once for a two year term, or twelve councilmen, in two sets of six with four year terms. To impress people continually with the simplicity of the Hare count he will urge that the counting be done by the graduating class of the high school.

These recommendations do not touch the disappointed paving material man and how to prevent him from being tempted to burn down the hut to taste roast pig, but Manager Wilson of Colorado Springs has answered it with a city-owned construction and repair plant. But that is another story.

OUR LEGISLATIVE MILLS[1]

II. OREGON

BY ELBERT BEDE

Editor, Cottage Grove Sentinal and Reading Clerk of the Oregon House

A Democratic governor and a Republican Legislature get along very well together—the farm bloc. :: :: :: :: :: ::

The Oregon legislative assembly is composed of ninety members, thirty in the senate and sixty in the house.

Because of the fact that the compensation is but three dollars the day the membership is made up largely of men, such as lawyers, to whom the honor and publicity becomes a business asset, of men who are financially able to serve at an actual monetary loss, and a few others who are willing to serve, although they cannot afford to do so, because of a high regard for their duties as citizens or for the personal gratification of being members. Be it said, however, that the personnel of Oregon legislatures of recent years has been of a high order. There have been, of course, a few so-called freaks, a few radicals and a few who seemed to lack the intelligence to make good legislators—but these have been few. I have known none, or almost none, in recent years who would be susceptible to bribery however cunningly suggested.

In contrast to these, some of the most intelligent men of the state have been members and have given liberally of their time and energy. In recent years, particularly in the house, there has been a decline in the number of lawyers and an increase in the number of farmers. The membership of the most recent session, by occupations and professions was as follows: Farmers, 27; lawyers, 24; bankers, 8; auto dealers, 4; insurance men, 3; real estate, 3; capitalists, 3; merchants, 6; newspaper men, 3; miscellaneous, 9.

The members of the Oregon legislature are as freely criticized as are the legislators of any other state, yet the fact remains that they are the average men from a large number of average communities of the state. They were elected by their neighbors who know them best and at the legislature they are the same kind of men that they are at home—acting much the same as would those at home who criticize. The sins of the legislators are the sins of the people who sent them there, and Oregon has been peculiarly fortunate in recent years in getting a high class of membership despite the unjust criticism offered by those who have never been present at a legislative assembly and who usually could not themselves do so well.

In school education Oregon legislators probably are lacking. I have no data to guide me, but my guess would be that not over a third of the present membership are college graduates and many not high school graduates, but they have been schooled in a way that makes men with practical ideas—men accustomed to hard work, to overcoming difficulties, to being alert for something likely to be put over on them.

In education and prominence as citizens of the state, the senate membership leads. A number of the prominent lawyers of the state are senate members.

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[1] This is the second in our series of articles on state legislatures.

SENATE MORE EXPERIENCED

In the senate, where members hold office for four years, the terms have been so arranged that half of the members hold over. A number have gone to the senate from the house and there is a greater tendency to return to the senate than to the house. Only eight of the thirty senators of the most recent session had not had previous experience and eleven had served as much as eight or ten years.

In the house, of the membership of sixty, twenty-two or more had had previous experience and a dozen or more had served from six to ten years.

Usually the senate is looked upon as the steadying body of a legislative assembly, but my observation of recent years has been that the greater amount of horseplay has been in the upper body. This was particularly true of the most recent session, when one member was permitted to devote two hours to a denunciation of a fellow member, a member so high in the esteem of his colleagues that he was elected to the presidency.

ORGANIZATION OF THE HOUSES

At the recent session the speakership of the house was settled two months before the body convened. In the upper body the presidency was not decided until Senator Eddy, one of the candidates, who had been delayed three days on the way by floods, arrived several hours after that body had convened. Jay H. Upton, who claimed one vote more than a majority, was elected by that number. Had Senator Eddy been willing to do some trading the result might have been different, or had he been less aggressive and more solicitous for the feelings of those he opposed in debate in previous sessions he might have been given the opportunity to handle the gavel. While I do not know it to be the case, it is hardly possible that committee positions were not a consideration in the outcome.

That certainly was the case in the house, as was easily apparent to any who cared to study the committee chairmanships and membership. A number of men eminently qualified for important positions were slighted and the value of their experience, of their counsel and their ability was largely lost. This was the only weak point in Speaker Kubli's organization. He made a splendid presiding officer and at all times had control of the body, while treating all with fairness and consideration. The same may be said of President Upton. Never have the two bodies had better presiding officers.

The desk clerks of the two houses, upon whom depends to a large extent the orderly progress of legislation, fully as much, if not more, than upon the presiding officers, were those who had filled the same positions for a number of terms and had proved their fitness for the positions to which they were elected.

CLERICAL HELP—SOME DEADWOOD

As a rule the chief clerks of the several committees were appointed because of their qualifications for the positions, but the inefficiency of many of the minor clerks and of many of the stenographers was something of a scandal, though not more so, possibly not so much so, as in previous sessions. The inefficient ones got their positions because of acquaintance with some committee chairman, because of pleas that they needed the money, because of most any plea except that of ability to serve. Attempts to hire all clerks upon an efficiency basis have been made at several sessions, but have proved unsuccessful. Probably $50,000 was wasted at the recent session because of this kind of deadwood on the pay-roll—a small amount, 'tis true, when spread over the state, but in no way can the extravagance be justified. Members who are giving their own time for forty days at a pittance, who have big matters before them night and day, who can little more than get organized before it is time to adjourn, have little time to weed out the inefficiency of petty employes with whom they do not come in contact. In the case of new members, they do not know how to act to do away with this kind of an abuse until the inefficient ones are on the pay-roll, and then it seems too late.

COMMITTEES

Because of the limited membership, particularly in the senate, many members must serve on numerous committees. A chairmanship of one committee means that little attention can be given to the work of others. The session is so limited that all committees must keep busy, and it often happens that a member will find several of his committees in session at one and the same time.

As a rule the members were industrious in committee work. Many committees worked until midnight nearly every night of the entire session. This was particularly true of the joint ways and means committee, which pared three-quarters of a million from the budget estimate which already was nearly three-quarters of a million below that of two years before. The committees gave serious consideration to all matters that came before them and their advice upon legislation was generally followed. It was said that the labor and industries committee of the senate made no reports during the session except unanimous ones and that in every instance its advice was adopted. This was a most remarkable record, due largely to the efforts of Chairman Magladry.

The ways and means committee was fearfully and wonderfully made. Because of the fact that never before had tax reduction been so paramount an issue, five so-called hard-boiled senators—one of them named chairman—were among the seven from the upper house. Three of these were more hard-boiled than the others and persistently voted "No" upon every appropriation without rhyme or reason. Had the three had their way there would have been no appropriations for educational institutions; every state officer would have been reduced to a salary of not over $150 a month, professors in our colleges would have been paid less than second-class mechanics, and the presidents of these institutions would have been reduced to the condition of the owner of a cross-roads grocery. The fact of the matter probably was that these three, or these five, knew that the remainder of the fourteen would save the state from destruction and that they would make their record and get their publicity as watchdogs of the treasury without danger of anything serious happening.

Great credit is due the other high-minded members of this committee who held their heads, who performed their duty as they honestly saw it regardless of unjust criticism. Without an exception the recommendations of this committee were adopted by the assembly.

LEADERSHIP

It was common talk at the last session that those in the house who became leaders because of the force of their oratory were few. Outstanding leaders for any reason were not numerous.

In the senate, oratorical leaders were greater in number despite the fact that the membership is only half that of the house. In the upper body at least 20 of the 30 unquestionably considered themselves leaders of some kind, and they were not far from the truth. In the house not over a dozen stood out as such.

Leadership was somewhat restricted on account of alignments brought about by unusual conditions. Prominent among these alignments was the so-called farm bloc, members of which agreed to vote as a unit upon appropriation bills. Membership was not made public, but those rated as the most influential in the organization were those who had almost nothing to say on the floor. The spokesman for this organization in the house probably would not have been picked as a legislative leader for any other reason.

The influence of the Federation of Patriotic Societies brought about yet another alignment. Speaker Kubli was the candidate of this organization and only one of the eleven members of the house from Multnomah county did not have the pre-election backing of this organization. Leaders in putting over the legislative program of this organization might not otherwise have been considered in the leadership class. This organization should not be confused with the Ku Klux Klan. It was in existence years before the klan came to Oregon. While the two organizations have in the past pooled their interests, it is understood that they now are at loggerheads and that leaders of the federation are predicting that the klan will no longer greatly influence things political in Oregon.

Whatever leadership there was, was clean. No organization steam roller ruthlessly ironed out the hopes of budding legislators. Caucuses to lay out a program of action upon any legislation were few and were confined almost entirely to the membership of the farm bloc.

THE GOVERNOR'S INFLUENCE UPON LEGISLATION

While the governor was a Democrat and the legislature strongly Republican, no chief executive ever had a body more ready to do his bidding. Had he taken a firm stand for a certain program and had he insisted that it be put over, he would have made a record that would have been hard to equal.

The Democrats, of which there were a greater number than ever before, were with him to a man. The Republicans in large number were in harmony with the administration program for tax reduction and had been elected upon pre-election promises to reduce taxation. Many of them felt that the tax reduction program was likely to be carried too far, that efforts in this direction would greatly hamper state activities, but they felt also that the people would not be satisfied with anything short of drastic reductions. They were glad to have the opportunity of letting the opposition take the responsibility.

The governor had given the people to understand that he would bring about a reduction of 50 per cent in taxes. Those members who knew this could not be done realized that any opposition to the administration tax reduction program would be used as the excuse for a failure of the promised reduction. They knew that they could give the administration everything that it could possibly ask and then the reduction could not amount to more than 10 per cent of the state taxes alone, while the people could be depended upon to keep up all local taxes, where the real tax reduction must come if any is to come. Giving the administration everything it asked was a neat way of letting it put itself in the hole, the wise ones figured.

Governor Pierce's inaugural address was a forceful state document and focused the attention of the legislators upon the business for which they had come together—the reduction and redistribution of taxation. After delivering this address, the governor retired to his office and left the legislators to carry his ideas to fruition without advice from him.

TAX BILLS

The income tax was named as paramount. A half dozen or more such bills were introduced and during their tempestuous voyage upon the sea of legislation each author assured the legislature that his bill was the one the administration wanted. The same was true in connection with a half dozen consolidation bills. The income tax finally weathered the storm, but consolidation went by the board largely because the administration would not say which of the many features of the many bills would be satisfactory, or at one time or another endorsed all the features of all the bills and finally failed to get any one of them because the members thought the governor had found that he was mistaken about wanting any at all. The same thing happened to the proposed severence tax upon timber.

A number of minor taxation bills suggested by the governor passed both houses. Indicative of the difficulty the two houses had in sensing the wishes of the administration, two bills asked in the governor's inaugural address were later vetoed. Incidently the governor vetoed some thirty pieces of legislation, which probably will stand as a record.

The governor is a farmer, a wealthy one and a whole-souled, likeable fellow, but he didn't have the knack of getting things across with an assembly ready to do his bidding. Following the session he remarked that "The boys were pretty good to me," probably indicating that he was not greatly concerned by the defeat of some proposed laws which he once suggested as absolutely necessary to the success of his program.

RELATIONS BETWEEN THE TWO HOUSES

The relations between the two houses did not become strained but once. That was during the closing days, when the upper body played football with the consolidation program and finally passed the buck to the lower house. Some unkind remarks were made in the lower house concerning the actions of the upper body, which was characterized as acting like schoolkids.

THE LOBBY

The lobby at the recent session was a most complete one. Many and divers interests were involved in legislation and were well represented.

State officers, attacked in salary reduction bills, were frequently present. The state highway commission had its attorney there a great deal of the time in the interest of highway legislation. The oleomargarine and dairy interests were well represented. The patriotic societies and the Klan maintained lobbies throughout the session, as did also the Grange and the farm bureau. Others represented during a large part of the session were the American Legion, the educational institutions, the state editorial association, the fishing interests, the bar association, the women's clubs of the state, the irrigation interests, the Southern Pacific and Union Pacific railways, Spanish-American veterans, World War veterans, the jitney interests, the motor truck association, the prohibition interests, the logging and milling interests, the Four-L organization, school-teachers of the state, ice-cream interests, live-stock interests, state contractors, and a dozen or two other interests. Some were there to aid in legislation, others to block proposed legislation. As a rule the lobbyist was a congenial person attending to business in an honest way. Because of the brevity of the session, the lobbyist is a great aid to legislation. Being familiar with the proposed legislation in which he is interested, he can explain in a few words what a legislator might spend hours in digging out for himself, and quite generally he received kindly consideration at the hands of the legislators.

LOGROLLING

Logrolling is no longer the evil it once was. I heard one legislator remark that he saw almost none of it during the recent session. There was some, however. There could not well be a session without it. Legislating is a game of give and take as much as any other activity of life. I do not believe any pernicious piece of legislation could have been put over by this method, but I have no doubt that many minor pieces were helped along by a trading of votes and in a case where the vote was close it is possible that some important pieces were affected by reciprocal back-scratching. However, the day when a meritorious piece of legislation must depend upon logrolling seems to have passed.

LEGISLATIVE OUTPUT

The major pieces of legislation considered at the recent assembly became so because of conditions peculiar to Oregon and peculiar to the particular period.

Income tax, consolidation, severance tax and a dozen or more bills to redistribute taxation were the direct result of what seemed a direct promise by the administration that taxes would be cut in two.

Anti-sectarian legislation, anti-Jap legislation, anti-alien legislation were the result of conditions peculiar to a state which has voted to do away with parochial and private schools for children up to the eighth grade.

Bills introduced numbered 644; those acted upon favorably numbered 295. A few of those enacted were of paramount importance to the state. The larger number were of vital importance to some portion or some particular interest of the state.

The number of bills introduced and acted upon favorably is quite in contrast to the number introduced and enacted at past sessions. The number introduced at one session numbered 1,500. Legislators formerly felt that they made their records by introducing bills and enacting laws. In those days they welcomed the opportunity to introduce a bill for someone. Many members of the recent session tried to make the record of introducing none.

Taken as a whole the legislation of the recent session was of a high order. Nothing vicious was put over, unless the income tax and anti-oleo bills be so considered, and these will go to the people through the referendum, which has been invoked. The members were there for a serious purpose. They endeavored to do their duty to the best of their ability. Taken as a whole they have right to be proud of the record they made.

THE MARCH OF PROGRESS IN NORTH CAROLINA

BY CARL K. HILL

The story of one state's accomplishments in government, education and well-being. The Review hopes to follow it with similar accounts from other states. :: :: :: :: :: :: :: ::

THE South is the Rip Van Winkle of modern reality; but like Irving's immortal figure, she has awakened also. Her eyes may still be heavy with sleep, but they are at least opened. A few yawns and some stretching of cramped muscles may be observed here and there, but the South is really looking around the corner. And no southern state has seen further nor looked with clearer vision than North Carolina.

NO STATE PROPERTY TAX

No subject is closer to the heart of every citizen than that of taxes, and the problem is paramount to all others in state government. North Carolina is unique in that she is the only southern state that does not levy a direct or property tax for any state purposes whatsoever, deriving her entire operating revenue from the income tax.

Prior to the enactment of the existing income tax law, the state received its share of the *ad valorem* tax levied by the counties, amounting to 47⅔ cents on each $100 of assessed valuation. Of this tax 11⅔ cents was levied for state administrative purposes, 4 cents for pensions and 32 cents for public schools. In 1919, under the revaluation act passed in that year, all property was re-assessed. As a result of the revaluation, the total tax value of property within the state was increased from $1,099,000,000 to over $3,000,000,000, and the state tax rate cut from 47⅔ cents to 13 cents on the $100 valuation, all of which went to the public schools.

In 1921, the state property tax was abolished entirely, being replaced by a graduated tax up to 3 per cent on incomes of both corporations and individuals. This tax applies to inheritances, incomes, franchises, insurance premiums and various license fees. With the exception of a few departments which operate on their own income, the funds collected from these sources are sufficient to pay the entire cost of state administration including its institutional and educational activities, and in addition, are sufficient to allow an appropriation by the general assembly of $1,000,000, which is used as an equalizing fund distributed among the weaker counties in support of their public schools, and an appropriation of $1,000,000 for pensions. Thus the state operates on taxes collected from productive sources, and not from taxes on property which in many instances is decidedly unproductive. The counties still levy a local tax on real and personal property and a two dollar poll tax, but they cannot levy any taxes on incomes.

The present system, supervised by a commissioner of revenue in lieu of the former tax commission, has now been in operation two years. The state budget, not including capital outlays, has increased from $14,000,000 to approximately $20,000,000, yet it is safe to assume that the direct tax is gone forever. The wisdom of the income tax in North Carolina has been demonstrated.

5,500 MILES OF HARD SURFACED ROADS

Perhaps the most striking instance of North Carolina's leadership is in the construction of highways. While other states were pondering the subject, and here and there legislatures were appropriating a few millions for good roads, North Carolina in 1921, under the leadership of its present governor, Cameron Morrison, calmly authorized a $50,000,000 bond issue for the construction and maintenance of 5,500 miles of hard surfaced roads to be completed in five years. And because this was found inadequate to carry out the program, an additional bond issue of $15,000,000 was authorized by the general assembly recently adjourned. Sixty-five million dollars for good roads! This is indeed a goal for her sister states, and might well be emulated by some of her northern cousins. Within a few months it will be possible to go on roller skates from Murphy, the furthermost western county seat, to Beaufort in the east, a distance of five hundred and sixty-five miles. And this is only one of a dozen through routes, not to mention the innumerable intersecting routes.

An important feature of this program is shown in the fact that the roads are maintained, interest on bond issues paid, sinking fund set up and the department operated entirely from receipts derived from a three-cent gasoline tax and the automobile license fees. In other words, these new roads are being paid for by those who use them most, namely, owners of motor vehicles. To the great mass of people, the building of the present system of state highways is costing nothing, and no tax in any form is imposed upon them.

The chief highway engineer, a man imported from another state, receives the highest salary of any state official, not excepting the governor. It is also of interest to note that the highway commission, under whose supervision the work is carried on, furnishes all cement used by the local contractors. One month's purchases alone total 300,000 barrels. Through buying this essential commodity in big lots, the state has undoubtedly saved thousands of dollars.

6,805 NEW SCHOOLHOUSES

In the field of public education, the progress of North Carolina has been no less marked. Six thousand eight hundred and five new schoolhouses have been built since 1900, and the value of school property has increased since that time from $1,097,000, to nearly $25,000,000, while the average value of each schoolhouse has jumped from $158 to $3,009.

North Carolina is now spending on public schools over $20,000,000 annually, as against only $6,000,000 ten years ago, a sum in excess of the public school expenditures of the entire South in 1880.

It is significant that the appropriation made to the deparment of education is steadily increasing each year. The appropriation by the general assembly for 1923 is $1,928,000, as against $1,400,000 in 1922, an increase of a half million dollars or 38 per cent.

$16,000,000 FOR WELFARE AND EDUCATION

Within the last six years, over $16,000,000 have been spent or authorized for the permanent improvement and enlargement of the 26 welfare and educational institutions of the state. Two new training schools for white and negro boys, respectively, were created at the last two sessions of the general assembly and initial appropriations made. All of which means that the state is looking ahead and does not propose to disregard nor neglect the ever-increasing problem of social welfare and education.

Marked evidence of the state's generosity is shown in the increases made to the State University. In 1922, the appropriation for maintenance was $445,000, in 1923, $650,000, and for 1924 an appropriation of $725,000 has been made.

STATE COTTON WAREHOUSE SYSTEM—CO-OPERATIVE MARKETING AND RURAL CREDIT UNIONS

One of the new and important phases of agricultural progress in North Carolina is the operation of a state cotton warehouse system as provided under a law passed in 1919. The purpose of this law is to stabilize, encourage and develop the cotton industry through state aid and supervision. Under the terms of this law, the state loans money to various associations for the erection of warehouses in cotton centers and markets, which are operated under rules and regulations promulgated by the state warehouse superintendent. The farmer brings his cotton to these warehouses and there has it classified, graded and stored, receiving for the same a negotiable receipt. Due to rigorous state supervision, the insurance rates are about 35 per cent lower than those normally charged, and the benefit of this reduction is passed on to the farmer or cotton grower. At the present time there are 78 warehouses with a total capacity of about 212,000 bales operating under the state system.

The fund from which loans are made was created through the levy of a tax of 25 cents on each bale of cotton ginned in the state. Ninety per cent of the total receipts from this source are invested in first mortgages up to fifty per cent on a ten year basis to aid and encourage the establishment of warehouses operating under this system. This tax was abolished on June 30, 1922; nevertheless, the fund at the present time approximates $500,000.

North Carolina also has an excellent co-operative marketing law, by means of which the department of agriculture has been a real factor in forming and developing co-operative marketing associations. Such associations have been organized to market cotton, tobacco, peanuts, sweet potatoes, cantaloupes, strawberries and general trucking. This law not only furnishes protection to the members of the several associations, but enables them to pool and ship their crops or products under the most economical and advantageous method.

Another interesting development is the formation and operation of rural credit unions organized under the rural credits law and supervised by the department. At the present time there are 29 credit unions in the state, operating in 15 counties. Of the entire number, 14 are organized among white farmers and 15 among colored farmers. The chief purpose of the credit unions among the latter is to facilitate bank loans for moving crops and the co-operative purchase of farm supplies and equipment. The credit unions among the white farmers are conducted more along the lines of a co-operative bank than a co-operative purchasing society. These unions receive deposits from their members, and some are thereby able to create sufficient capital to meet all of their needs. Loans are made to members either from their own funds or through the local banks.

CENTRAL ACCOUNTING SYSTEM

In 1921, the general assembly passed "An act to authorize and direct the state auditor to cause to be examined, audited and adjusted, the various accounts, systems of accounts, and accounting of the various state departments and institutions." At the same session, the legislature changed the fiscal year, making it end June 30. On July 1, 1922, the new system of central accounting control was installed in all of the departments of the state government.

The system adopted, which is based on the recognized principles of pre-audit and double entry control accounts, provides that each collecting agency, whether collecting funds for general or special purposes, shall immediately upon collection make deposits of such funds directly with or to the credit of the state treasury as provided by him and upon the certificate of the state auditor; that the collecting agency shall keep a complete detailed classified record of all collections made, and shall report same to the state auditor on the first day of each month to be checked against the control accounts; that disbursement of these funds be made only upon the warrant of the state auditor, upon the proper requisition of the department head or other constituted authority; that each requisition be accompanied by invoice or other recognized supporting document; that the department making requisition on the state auditor shall keep a complete detailed record of each requisition made; and finally, that the requisitioning department shall each month submit a detailed classified report of requisitions to the state auditor to be checked against the controlling accounts and audited against the requisitions and warrants drawn during the month.

Such fiscal control over receipts and disbursements provides a means of ascertaining from one source, instead of many, the actual condition of the state's finances and is of value not merely to the respective departments, but especially to the budget authorities in collecting necessary financial data of each agency or activity.

COUNTY AUDITS BY STATE

The general assembly at the same session in 1921, passed another farsighted act looking to the supervision of county finances. This law provides that the state auditor shall audit at least once each year the accounts of all counties and county officers of the state, and make improvements in the accounting systems of counties. The costs of audit are to be borne by the counties should the audit disclose any funds due the state. If, however, it is shown that the counties do not owe the state any money for any uncollected or unpaid taxes, the cost of the audit is borne by the state. In the majority of instances, it has been found that the counties have owed the state money, and as a result of these audits, approximately $40,000 has been turned in to the state treasury. The act does not apply to counties employing a full time county auditor; but the state auditor has power to make audits in such counties provided no additional expense to such counties is entailed.

MATERIAL PROGRESS

North Carolina, with over 2,559,000 people, has nearly doubled her population in forty years. The capital invested in manufactures is over $669,000,000, or three times what it was ten years ago; and the value of her manufactured products is now about ten times the value of the state's manufactured products in 1900. There are today 1,146 textile plants in the South, of which North Carolina alone has 513 with 5,321,450 spindles, or a million more than the entire South had twenty years ago. She stands fifth in the value of her agricultural crops, being led only by Texas, Iowa, Illinois and California in the order named. Last year her crops were valued at $342,637,000, with cotton at $104,370,000, with tobacco second at $93,003,000, and corn third with a value of $44,963,000. The total value of her farm crops last year was twice the value of her farm crops ten years ago.

In public health work, North Carolina ranks among the twelve foremost states in the Union, and has moved forward in this field faster than any other American state. She stands first in the birth rate, which totals 33.8 per 1,000, and seventh in mortality, the rate being 11 per 1,000. Twenty-nine of her hundred counties operate full time county health departments, and eighteen others support visiting nurses, which account in no small degree for her progress in health work and in the reduction of the mortality rate.

DEBT LIMIT, SINKING FUND PROVISIONS AND OTHER RECENT PROPOSALS

It does not require a strain on the imagination to realize that the state could not embark upon so many new enterprises nor accomplish such an ambitious program of highway construction, educational and welfare improvements and other advancements without a material increase in her public debt. As has been stated, the highway program alone calls for an outlay of $65,000,000. Permanent enlargements of her institutions represent an expenditure of $16,000,000, and the school building fund required another $5,000,000. For these three items alone a total of $86,000,000 has been added in less than three years to the bonded indebtedness of the state. On January 1, 1921, the total debt, including $4,000,000 of short term notes, mounted to $12,000,000. On January 1, 1923, the total approximated $100,000,000, an increase of over 700 per cent in two years; and yet the vast majority of the people are satisfied in their own minds that such increases have not only been justified but urgently required, if the state is to maintain her leadership in the South and to provide for her growing industrial, agricultural and educational expansion.

And yet this abnormal increase of the public debt is not due to the fact that the state finds a ready market for her bonds. There are sanity and intelligence behind this apparent orgy of spending. Evidences of this were shown in two constitutional amendments passed by the recent general assembly, one of which provides that the total indebtedness of the state shall not exceed 6 per cent of the assessed valuation of property and the other which provides for the setting up of sinking funds for retirement of maturing bond issues. These amendments will undoubtedly be ratified by the people at the polls next year, and as part of the organic law, will definitely fix the debt limit and preserve for all time the inviolability of sinking funds.

Other recent proposals are those to create a state medical university which will be unrivalled in the South and rank well with the best of the northern colleges; an appropriation of $500,000 for the rehabilitation of the fish and oyster industry; and a measure sponsored by Governor Morrison for the establishment of state owned and state controlled ship lines for the operation of boats between the hitherto neglected ports of North Carolina and the seaboard cities of the north. The last general assembly created a special ship and port commission for the purpose of studying the situation and to report at the next session on such matters as the development of ports, terminal facilities, the purchase of boats and competitive rates. The supporters of this plan believe that its operation will eliminate the discrimination which now exists in rates between North Carolina and the South Carolina and Virginia ports.

STATE REORGANIZATION

Not content with progress made in the fields of education, industry, agriculture, taxation and finance, the state is looking within and has determined that if she is properly to provide for the new activities undertaken, she must first set her own house in order and develop a machine which will function efficiently.

In 1922 the state auditor, Major Baxter Durham, instituted a survey of all state departments and agencies in conjunction with the new accounting system. As a result of the investigation it was found that there are 66 separate and isolated agencies, not including the institutions, independently carrying on state activities. For example, it was found that seven departments were levying and collecting taxes, and five departments including the state board of education, performing engineering functions. The constitution vests in the governor the supreme executive power of the state and yet the legislature consistently has witheld authority commensurate with the constitutional responsibility. Fourteen state officers are elected by the people, including seven constitutional officers, and there are twelve methods of appointment, the majority of which divides or withholds completely the authority of the governor.

Briefly summarized, the reorganization report recommends the abolishment of some 36 boards, commissions and other agencies and the transfer of their functions to the proper department. Under the proposed plan, there will be but 16 departments, each performing a clear cut major function of the state government. The heads of these departments with the exception of the seven constitutional officers, will be appointed by the governor, with confirmation by the senate, for a term of four years and each shall be removable by him. It also provides for the creation of an executive budget which shall be initially prepared by the governor and who shall be responsible for the financial program of the state. It further provides for a state purchasing agent in whom shall be vested full responsibility for the central purchase of all supplies and materials used by the several state departments and institutions. The plan also provides for the placing in the department of highways and public works all construction and permanent improvements whether for state departments or institutions.

All of the recommendations contained in the report and embodied in the supporting bill are to be carried out by statutory enactment. It is contemplated ultimately that constitutional amendments will be introduced for the purpose of placing the plan permanently in the constitution and thereby limit the creation of new departments, reduce the number of constitutional officers to the governor, lieutenant governor and state auditor, and provide for an executive budget.

The recommendations contained in the report were incorporated in a bill known as the civil administrative code and introduced in the last days of the session. Owing to the brief time for consideration, no action was expected, but the plan is now officially before the members of the general assembly. It will undoubtedly be a major issue at the next session, and it is confidently expected that it will be adopted.

RECENT BOOKS REVIEWED

State Government. By Walter F. Dodd. New York: The Century Co., 1922.

State and Municipal Government in the United States. By Everett Kimball. Boston: Ginn and Co., 1922.

The two principal books which have been added recently to the meagre literature of American state government present a marked contrast. Walter F. Dodd's *State Government* is a masterful piece of original descriptive criticism, even though parts of the book repeat other parts more than is necessary. Into it Dr. Dodd has packed in terse sentences his observations and conclusions from the Illinois and Ohio reorganizations, the Illinois constitutional convention, and his other excellent opportunities for a "detailed and scientific observation of the manner in which governmental institutions work."

His book is distinctive for the number of respects in which it pioneers. Such a respect is the author's presentation of the share of the states as states in the government of the nation—a modern and practical discussion of important relationships often overlooked in these days of emphasis upon the federal unit. So also is the detailed discussion of local government and political geography in their relation to the state, leading to the conclusion that "there must be over each part of the area of a state a single local agency performing all of the functions of local government for that territory but also acting as the agency of the state government therein."

Other "high spots" in the book are the discussion of the trend toward detail in constitutions and the corresponding need for ease in making constitutional changes; the chapters on the reorganization of state administration; the section on "Deposit of State Money" in the chapter on "State Finance"; and the informed and illuminating discussion of the function of legislation, which Dr. Dodd describes as a "hazardous occupation" because of multiplying constitutional restrictions and the intricacies of judicial interpretation of statutes. Legislation is an amateur function, Dr. Dodd concludes, and legislatures rightly are temporary bodies. The present disrespect for legislative bodies exists largely because the work of legislation is haphazard and purposeless. The shortcoming may be helped by simplifying legislative processes, delegating legislative authority to other appropriate bodies, and giving more power to local governments; and the future may see plans devised for regular presentation by the governor of a program of proposed legislation worked out as carefully and in as much detail as budget recommendations now are worked out.

The book is well bound and needs to be. It will be a handbook and an inspiration to advanced students and researchers.

Dr. Everett Kimball, on the other hand, has done a piece of work of different order, which many of us at times have been sorely tempted to do. He has taken a number of the excellent textbooks and treatises on state and municipal government, salvaged the points of special merit of each, condensed them, and produced a single volume adapted to use in college undergraduate classes. His book, *State and Municipal Government in the United States,* is drawn principally from the treatises of Holcombe and Mathews on state government and Fairlie, Munro, McBain and Goodnow on municipal government. The author specifically disclaims anything more than an exposition of existing institutions, and, as he says further, he "ventures to disagree" with the authors of his secondary source material only occasionally and with considerable hesitation. But his discrimination is commendable, and his book concise, polished, and not too much marred by his proneness to apologize for facts which he dislikes. He has performed his undertaking well. He has succeeded in putting into 305 pages on state government and 245 pages on municipal government practically all the meat for which teachers have been in the habit of sending their classes through multitudinous scattered pages of uninteresting repetition. The usefulness of the book probably is limited to undergraduate classes in municipal and state government; but for many such classes it should be a real boon.

Edward T. Paxton.

GOVERNMENT IN ILLINOIS. By Walter F. Dodd and Sue Hutchinson Dodd. The University of Chicago Press, Chicago, Ill. 1923. Pp. 479, with charts and maps.

Government in Illinois is a well-written and elbadare book, although rather elementary in its treatment of the subject. The elementary character of the book, however, is no criticism of the value of the work. History had been written many times by many authors, but never quite so effectively (if we may judge by the popularity of the book) as when it was written primarily for children by Van Loon. Certainly we need more of this point of approach and style of writing in the field of government. Books that tell in simple and vivid language how governments, state and local, are organized, what they do, how they work, and where the "poor voter" comes in are almost as scarce as the proverbial "hen's teeth."

Here is a book that is written with the idea of giving the citizen, who wants to know about the work of his state and local governments, a clear-cut picture of the whole field. Frequent use is made of charts and diagrams in showing the organization of state and local governments and the relation of the one to the other. The text is adapted to the use of students and for this purpose it should meet with general favor. The authors are well qualified from their experience and contact with state and local government in Illinois and elsewhere to write on the subject. Mr. Dodd has already written in his *State Government* what is to date perhaps the best book on the subject.

A. E. BUCK.

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Careful Study of Local Government

[1] The Joint Committee on Taxation and Retrenchment in New York state has reported illuminatingly on local government units. This is a portion of a more general study which the legislature has been conducting for the last four years under the chairmanship of Frederick M. Davenport, for the senate, and Franklin W. Judson, for the assembly and deals chiefly with country and town governments. The staff has been directed by Luther H. Gulick.

This undertaking is probably the first really intensive research study which has been made in this country of a state system of local government, outside of municipalities. It is gratifying to note that interest in this subject originating some ten years ago in the local efforts in Westchester and Nassau counties, after receiving only moderate attention at the hands of the constitutional convention in 1915, has been revived to the point where the legislature takes the initiative in going after the facts in a comprehensive way.

The time for such a development is surely ripe. The preservation of such antiques as town governments which have survived with but slight changes of form since the time of the Duke of York's Laws in 1664 is in the nature of a public luxury, and stands in the way of effective public service, as the report conclusively shows. It might even be remarked that the process of Americanization in these units is somewhat overdue!

It is not surprising to find that such governments are operating under laws long since repealed, have no budget systems and are generally wasteful, or that their collectors of taxes sometimes come to the county treasurer with bags of money the amount of which they do not know, or that poor relief costs, in some instances, a dollar for administration for every dollar distributed.

The committee recommends what are undoubtedly the obviously sound remedies: the development of a really responsible county government with a central executive, and then, the transfer to the county of many of the functions now exercised by the towns. The committee believes, however, that no uniform system of organization and administration can or should be imposed upon the entire state. In so far as is possible it bases its recommendations on successful experiments of different individual counties and towns.

The merit of reports of this kind lies largely in the care and thoroughness in handling specific conditions. Space forbids even an enumeration of the chief of these, much less any adequate critical comment. Suffice it to say, that the reputation of the chairmen and the staff for sound workmanship in public investigations has been fully sustained.

Possibly the emphasis might be somewhat more effective. Numerous faults are pointed out in town and county systems. It is not altogether clear which of these are the most serious. Which of the several proposed remedies should be striven for first? While these, perhaps, involve political considerations, it seems to the writer that the research staff cannot fully escape responsibility for dealing with them.

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[1] Legislative Document (1923)—No. 55.

The committee seems to feel that centralization of the state administration has already proceeded too far in New York state. Specifications in support of this view are entirely lacking. The omission is unfortunate in that it takes away from the completeness of the description of the influences that are really an integral part of local government. The people of the state should be interested to know to what extent their local affairs are determined by these state agencies. Such knowledge might be exceedingly wholesome at election time.

The interesting thing will be to see how readily up-state New York receives the valuable information which this report contains. Or will they remain content to be bound by tradition originated by an ancient and long since disintegrated scion of the house of York?

H. S. Gilbertson.

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Sources of New York City Government

Arthur W. MacMahon of the Department of Public Law of Columbia University has done a careful piece of work on a technical subject in his book entitled *The Statutory Sources of New York City Government*. It is potentially of considerable value in connection with future efforts to revise the charter and other local laws affecting New York city. It may be commended also to anyone curious to know why charter revision in this city has always been such a back breaking job—as contrasted with the easy off-hand way in which some of our western cities produce for themselves over night a new system of local government.

Mr. MacMahon points out that bulky and prolix as is the present city charter, passed by the legislature in 1901, it did not even start out as a completely inclusive body of local laws. It left unrepealed all prior legislation which was neither "inconsistent" nor "the same in terms or in substance and effect." In particular this left standing many of the provisions of the Consolidation Act of 1882, which in its time contained a more complete codification of New York City Law than has since existed.

Any complete examination however of the still existing legal sources of the city's government must go back through a long history of special local legislation affecting the many municipalities and the several counties which were absorbed into the greater city. Many of the old rights and powers have been handed down to the present municipality by broad and vague statutory clauses. Even the ancient royal charters must not be wholly ignored.

Since the passage of the present charter in 1901, in addition to very numerous amendments to this charter, the legislature has passed more than a thousand other local bills which entirely disregard the charter though specially aimed at the government of New York city or specially affecting the interests of its inhabitants.

The author of course mentions also general statutes of the state having a special bearing upon the city. The more significant of these are by no means the important sounding "General City Law" and the "General Municipal Law" but such statutes as the Public Service Commission Law and the Tenement House Law. All of which goes to show that the city's existing body of law is an intricate web which can not be unraveled by even the closest attention if it be directed solely to what is known as the city charter.

Charter commissions in the past have been either too timid or too busy with structural changes to attempt to codify and compress this vast complex of laws.

The author goes on to review various attempts to empower the local authorities in one way or another to change the sources. In particular he sets forth the gradual development of the principle of the conditional repeal of legislation. This was applied in the charter of 1897 as affecting the local building laws. All the old laws were repealed contingent upon local enactment of a building code. In the charter of 1901 there was a contingent and suspensory repeal of forty-six designated charter sections. It has also been used in a grant of local power to fix salaries irrespective of provisions of existing laws. The power of the legislature to use these devices of conditional repeal has been judicially sustained, especially in the case of *Cleveland* vs. *Watertown*, 222 N. Y. 159.

This very brief review may be closed by quoting one of the chief final recommendations as to processes of revision.

"The search for a practicable method of disposing of the masses of special statutes not covered in the charter leads to a final alternative. This method combines features of the two schemes of conditional repeal already discussed.

In its bare essentials, it would involve the following steps: (1) the enactment of a new and shortened charter, to take effect upon a date fixed at least two or three years in advance; (2) the provision therein for the repeal, as of that date, of all statutes or parts of statutes affecting the government of New York city except such as the legislature might specifically reserve from repeal; (3) the concomitant requirement that in the meantime a local body (appointed, perhaps, by the law department of the city) should examine all legislation thus subjected to repeal and should prepare an orderly consolidation of whatever in it was of current use; (4) thenceforth, this consolidation would be subject to local modification."

If the pending amendment to the New York state constitution for enlarging the powers of local self government is ratified this fall, the author of this interesting book can do a further service by writing another chapter or two to relate his subject more directly to the new and still difficult problems which will then be created.

Raymond V. Ingersoll.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

The Need for Uniform Regulations Governing Motor Truck Operation.—The present variation in state requirements governing the operation of motor vehicles has been for a considerable time a source of frequent annoyance and illustrates the need for universal standards governing such matters particularly as lighting, rules of the road, etc. More recently the enactment of legislation regulating the loading of trucks, in some cases substantially reducing the permissible loading, has created a difficult situation where two contiguous states have somewhat widely varying requirements governing this matter.

An unusual example of this kind is that of the two states, Michigan and Ohio. The advantage lies with the Ohio truck owner operating in Michigan as the maximum requirements of the Ohio law are well within the Michigan provisions. However, trucks operated by the Michigan owners while complying with the law of their own state may be held for violations when operating over Ohio roads. In the matter of permissible gross weights there is considerable difference in the requirements of the two states. The Michigan law sets a maximum gross weight of 14 tons to be reduced by 1927 to ten tons while the gross weight permitted at the present time in Ohio is limited to ten tons. A maximum of 18,000 pounds on one axle is permitted in Michigan while the requirements in Ohio is 16,000 pounds. The loading per inch width of tire is 600 pounds in Michigan while in Ohio this ranges from 450 to 800 pounds per inch depending upon the type of tire used.

A 40-foot length truck unit is allowed to operate in Michigan while in Ohio 30 feet is the limit. A truck train in Michigan is limited to 60 feet and in Ohio 85 feet is permitted. There is also a variation in the speed laws of the two states. In Michigan trucks or truck trains whose total weight aggregates 9 tons and which are more than 40 feet long are limited to 15 miles per hour. The Ohio laws limit trucks with rubber tires weighing more than six tons to 12, 18 and 21 miles an hour depending on the districts in which they operate. A truck train consisting of one or more trailers is limited to 8 miles an hour in Ohio and trucks with steel tires and weighing more than 6 tons are limited to 10 miles an hour. The limit in Ohio for trucks equipped with solid tires and weighing more than 4 tons is 12 miles in some districts and 15 in others. In Michigan trucks weighing from 4 to 9 tons are limited to 20 miles an hour and those ranging from 2½ to 4 tons are limited to 25 miles an hour.

Conditions such as these enhance materially the difficulty of effective regulation of truck loading. If Ohio officials enforced the requirements of that state uniformly on trucks traveling from Michigan undoubtedly it would result in situations producing frequent causes of disagreement with the likelihood of delay to traffic and possibly financial loss. A Michigan shipper operating within his state in accordance with the law in so far as loading is concerned would naturally feel agrieved and hostile towards any attempt on the part of Ohio officials to interfere with the loading of trucks after crossing the boundary between the two states. At the same time Ohio officials should take prompt action to enforce such requirements as may be deemed essential to the preservation of the state road systems.

Unquestionably one of the most serious needs in respect to traffic regulation is the universal adoption by the states of a sound schedule governing truck loading. Such a schedule should recognize the type of road construction and its carrying capacity and its enforcement would demand careful routing of traffic over roads according to their carrying requirements.

⁂

Sidewalk Arcades to Relieve Street Traffic Congestion.—The construction of sidewalk arcades along certain of the more important streets of New York city, which are at present seriously congested by traffic, is recommended by Arthur S. Tuttle, chief engineer of the board of estimate and apportionment of that city, as a means of relieving the congestion. Although traffic congestion is pronounced in many streets throughout the city, the greatest need for relief exists along the north and south avenues of Manhattan. These thoroughfares during certain hours of the day are filled with traffic almost to capacity. The most conservative estimate of probable increase in traffic during the next few years indicates the likelihood of a most serious situation within that time unless provision is made for a material increase in street space. The logical solution would, on the surface, appear to be merely a matter of street widening. However the congestion occurs on streets where the value of land and buildings is so high that relief through street widening could be obtained only at very great expense.

The construction of arcades offers a means of providing relief in an effective way without necessitating the complete destruction of buildings or the withdrawal from taxation of large areas of great value. There are a few examples of sidewalk arcade construction in this country although extensive application has been made of this plan in European cities. In New York the Municipal Building along Chambers Street is perhaps the best example of arcading although differing from the ordinary in that the building itself bridges the entire street. At the same time this gives an excellent idea of the practicability of constructing such arcades without in any way detracting from the appearance of a building. The general effect of an arcaded sidewalk is also illustrated by the Madison Square Garden on the east side of Madison Avenue between East 26th Street and East 27th Street, although this structure does not constitute true arcading as there is no overhanging building.

A well-known arcade in Paris, which in its character and location offers conditions in a way comparable to those along, say Fifth Avenue, New York, is the Rue De Rivoli, the famous shopping street of Paris. It is stated that the absence of sunlight in the shop windows along that thoroughfare is not considered a disadvantage to the display of goods but rather that the artificial lighting necessary enables more artistic effects than would ordinarily be possible.

In discussing the practicability of carrying out the arcade treatment along New York streets under powers now held by the city, Mr. Tuttle calls attention to the following details in the contemplated treatment: The arcaded area would include a width of from 15 to 20 feet in streets where the depth is at right angles to the street line and a width ranging from about 13 feet to about 16 feet in cases where the arcade would traverse the longer dimensions of the lot. The rights to be taken by the city would extend from a plane 3 feet below the street grade to a plane adapted to the building development which has taken place or is expected to take place. Provision would be made permitting private use of certain areas within the arcade for the support of the overhanging building. Also the city would have to take rights for the support of sidewalks in case it was not allowed to support them from walls or columns of the abutting building.

The report states that in taking easement rights of this character it is assumed that the city would secure all necessary authority for improving and utilizing the space reserved for columns in the arcaded area pending their construction as well as the right to install in them street lighting facilities, fire pressure hydrants, fire alarm and police telephone facilities and mail boxes. The arrangement contemplated indicates that ample rights may be acquired by the city for sidewalk arcades without seriously interfering with the private utilization of the areas above and below these. However, in order to accomplish this without undue damage to improvements the arcaded area must be so laid out as to conform so far as possible with the structual details of existing buildings. Another detail of the proposed plan is to place the curb line 3 feet outside of the building line or the exterior of the arcade. This is said to be a somewhat greater distance than it usually provided for but has the advantage in that it furnishes space which can serve as a safety zone for pedestrians and also protect the columns of the arcade against possible injury from passing vehicles which in many cases project far beyond the wheel base of the vehicle.

Investigations made of the intensity of traffic crossing 42nd Street indicates that the installation of arcades on the line of each of the intersecting streets would enable increasing the number of traffic lanes along those thoroughfares from 55, the present limit, to about 105, thus nearly doubling the present capacity.

One obstacle to the application of the principle of arcading in American cities is the widely varying architectural conditions that exist. The construction of sidewalk arcades even for a single block, unless that block happened to be occupied by one building or by a group of buildings with similar architectural treatment, would be liable to result in a sort of architectural hodge-podge. The wide variation in the height of the first story of adjacent buildings obviously would enhance materially the difficulty of securing a uniform and satisfactory design. Also it is quite probable that the acquisition of necessary easements for the construction of arcades could only be obtained after long delays and considerable expense.

The stand has been taken with considerable justice by many engineers that arcading does not offer a solution of the traffic congestion problem but is merely a palliative. At the same time the proposal made for this method of treatment by Mr. Tuttle would appear to offer a relief from a situation already serious and which will become more so each year at a cost far lower than any other method would entail. At least this proposal deserves most careful consideration both by the city government and the interested public.

✥

Controversy over Paving Contracts in Boston.—A recent sharp controversy between the Boston Finance Commission and the city government with regard to the policy followed by the latter in the award of contracts for paving work discloses a situation local in character but one that involves the application of principles ordinarily recognized as governing such matters, which are of more than passing interest. The Boston Finance Commission has taken exception to the action of the city government in respect to the following matters relating to paving contracts:

1. The practice of limiting alternate-type contract proposals for bituminous street pavement construction to sheet asphalt and Warrenite-bitulithic;

2. The award of paving contracts to other than the low bidder;

3. Unnecessary delay in advertising and awarding contracts for street improvement work.

Before discussing the various points raised by the Finance Commission in respect to these matters, it is desired to call attention to the relation of that body to the city government. The Boston Finance Commission was appointed in 1907 by the mayor of the city under authority of the city council. The commission comprises seven members, one person being nominated by each of the following organizations: The Boston Chamber of Commerce, The Associated Board of Trade of Boston, The Boston Real Estate Exchange, The Boston Merchants' Association, The Boston Clearing House Association, The Boston Central Labor Union and the citizens associations of Boston. The members of the Finance Commission serve without pay but are authorized to employ such experts, counsel, and other assistants as are necessary to carry on the work of the commission. Subsequently the Massachusetts legislature conferred on the commission broad powers in the matter of conducting investigations concerning the administration of the city government. Established originally to examine all matters pertaining to the finances of the city, the scope of the work of the commission has been extended from time to time until it has included problems relating to most of the important activities of the city government. Moreover, in general the Finance Commission has furnished valuable service to the city government and served a distinctly useful purpose.

With regard to the practice followed by the city government in the matter of advertising contracts for bituminous pavement construction, the Boston Finance Commission, in a letter to Mayor Curley published in the *Boston City Record* of March 31, makes the following statements:

> 1. Last year in the large cities of the United States there were laid 79,100,000 square yards of bituminous pavements, of which 56,500,000 square yards, or 74 per cent, were sheet asphalt.
>
> 2. Sheet asphalt is the standard bituminous pavement for heavy traffic in all the large cities of the United States except Portland, Oregon, and Boston.
>
> 3. The use of bituminous pavement other than sheet asphalt is confined to streets of light and medium traffic and to country roads.
>
> 4. Last year in Boston in twenty instances (comprising practically all that was done) competition was restricted to two kinds of bituminous pavement, sheet asphalt and Warrenite-bitulithic, the latter an untried type of pavement in Boston.
>
> 5. These two types of pavement were put in competition with each other, although it is well known that the cost of manufacturing and laying the Warrenite-bitulithic pavement is about one-third less than the cost of manufacturing and laying sheet asphalt.
>
> 6. In fifteen of the twenty instances, sheet asphalt was offered at lower prices than Warrenite-bitulithic, yet only four of these lowest bidders were awarded the contracts. Eleven awards were for Warrenite-bitulithic at a higher price. Seven of these eleven awards were made to the Warren Brothers Company at $34,600 in excess of the lowest bids. This company claims to be the owner, under certain patents, of Warrenite bitulithic.
>
> 7. This procedure cost the city, figured on the basis of the bids, $36,917.75. But a greater cost to the city is still to come, due to the necessity of excessive repairing and an earlier replacement of the entire pavement than would be necessary if the more substantial kind of pavement had been chosen.

It is not the intention of this magazine to participate in any discussion of the relative merits of sheet asphalt or Warrenite-bitulithic pavements for various conditions. Both of these pavements have their field of usefulness. Nor is it intended to lend support to a policy followed by the city of Boston which is, to say the least, of doubtful wisdom. At the same time the sweeping criticism made by the Finance Commission with respect to the matter of competition between sheet asphalt and Warrenite-bithulithic for paving purposes would indicate either that the Finance Commission was ill advised on this particular subject or did not consider carefully local conditions.

It appears that a considerable part of the bituminous paving work in Boston under discussion was to be laid on water-bound macadam or foundation of a similar character. Experience elsewhere has demonstrated the practicability of using either sheet asphalt or bituminous concrete such as Warrenite-bitulithic advantageously under such conditions. Also it should be noted that Warrenite-bitulithic pavement as now laid is two inches thick. The lower layer, approximately 1¾ inches thick, is of a material which is similar in composition to the so-called close binders used in standard asphalt construction, and also similar to the old type of bitulithic. Over this layer, while hot and before rolling, a second thin layer is spread. The surface material is of a mixture similar either to sheet asphalt surfacing mixture or to the Topeka mixture, so-called, depending on the proportions of sand and small crushed stone used. The two layers are rolled together, making a pavement approximately 2 inches in total thickness.

It is quite true that sheet asphalt has been used more extensively than any other type of bituminous pavement for paving purposes in American cities. At the same time there is an increasing use of asphaltic concrete pavement construction by cities even under conditions of heavy traffic. That properly constructed asphaltic concrete will successfully withstand intensive traffic has been demonstrated by numerous examples among which is the famous heavily travelled Michigan Boulevard of Chicago. A decided advantage possessed by asphaltic concrete over many other types is that it permits ordinarily the utilization of local construction material. There is also a disposition on the part of many engineers to look with favor on asphaltic concrete pavement construction for city work on account of its freedom from "shoving" which is at times a troublesome characteristic of sheet asphalt.

In the matter of cost of manufacture and laying it is entirely possible to have conditions that would result in a favorable comparison between a three inch sheet asphalt pavement and one comprising a two-inch Warrenite-bitulithic of the type now laid. It is true that the abundance of crushed stone, in the vicinity of Boston, of a quality suitable for road purposes, should enable securing lower prices for the latter type of pavement than could be obtained for sheet asphalt. This point, apparently, was not emphasized in the report of the finance commission. All in all the commission's criticisms of the policy followed by the city in respect of the selection of type of pavement together with the claims made of substantial losses resulting from such policy are not particularly convincing.

The Finance Commission is on sounder ground in its criticism of what appeared to be unfair and arbitrary methods followed by the city government in the award of contracts to other than the low bidder. There are conditions where a practice of this kind is justified in order to exclude undesirable bidders. The facts published with regard to examples of this sort of discrimination in the award of paving contracts by the city government of Boston do not indicate that any such action was required in order to protect the city's interest. Also the Finance Commission is on firm ground in its criticism of the delay in advertising and awarding paving contracts. Sound policy in this matter demands that contracts for paving work should be advertised as early in the year as possible. This practice attracts competent contractors and results in more favorable prices and a better assurance of satisfactory work than obtains when there is unnecessary delay in awarding street contracts. Unquestionably the city government of Boston should consider seriously correcting certain of the obvious defects in its policy governing public works contracts. The facts disclosed in the Finance Commission's recent report on paving contracts amply demonstrate the need for a change. In bringing this matter to the attention of the public the Finance Commission has done a real service. It is unfortunate that in doing this service the Commission should have permitted the publication of statements on such an important matter as the selection of pavements that were inconsistent with recognized practice and somewhat misleading in character.

There is a place for more organizations such as the Boston Finance Commission. The service furnished by these commissions should, however, always be of the highest professional standard and free from prejudice.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Soldiers' Bonus Measures Total Many Millions.—The *Bond Buyer* (New York) recently reported on what the states have done on the soldiers' bonus. Twenty-six states have taken steps to reward their ex-soldiers with an extra money payment. Only five states have made unsuccessful efforts to do so, and in only one of those, Oklahoma, have the voters refused approval. Seventeen states have taken no action, unsuccessful or otherwise, towards the payment of a bonus.

Sixteen states have sold bonus bonds aggregating $242,300,000. Four states have authorized, but not sold, bonds amounting to $65,850,000. Bond issues proposed but not yet authorized in seven states total $99,100,000. The proposed bond issue in those states which defeated the project totaled $99,000,000.

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Smoke and Atmospheric Pollution in London.—The medical officer of health of the city of London in a report for the year 1922 states that a critical examination of the air in the city was commenced in 1914, as a consequence of which certain interesting results have now been ascertained. The tables showing rainfall and the amounts found of insoluble matter, tar, soot and dust, also the soluble matter, together with the sulphates, ammonia and chlorine and the volumes collected have been recalculated into metric tons per square kilometre during each month. One metric ton per square kilometre is equivalent approximately to 9 pounds per acre, or 2.56 tons per square mile. Thus, it appears that in the month of June, 1922, the amount of deposit registered as falling in the city of London is 21.17 tons per square kilometre, which is equal to 54 tons avoirdupois, estimating the city as having an area of one square mile. Of this mass of dirt approximately 18 tons were soluble and 36 tons were insoluble and consisted of tar, carbon and grit. From January 1 until December 21, 1922, the amount of impurity at noon has varied from half a milligramme to three milligrammes per cubic metre of air; this latter figure includes times when there has been a fog. The most definite results of these enquiries have been recommendations that the ministry of health be given clearly defined power to compel or act in place of any defaulting authority which refuses to perform its duty in administering the law with regard to smoke. It is proposed also that there should be a general legal obligation on all manufacturers, users and occupiers of any business premises or processes to avoid pollution of the air by smoke, grit or other noxious emissions. The recommendation was made that the ministry of health should be empowered to fix standards from time to time, and in any case, in which the emission exceeds the standard so fixed, the onus of the proof that the manufacturer is using the best practicable means should be on the manufacturer.

Robert P. Skinner.[1]

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Work of New York Women's City Club.—The Women's City Club of New York carries on its civic work through seven activities committees, listed under the titles of Correction, Education, Public Health, Housing, Industry, Living Costs and Recreation. During the time that the state legislature is in session a special legislative committee is formed of the activities committee chairmen and club members well qualified to assist in the consideration of bills so that club action in opposition to and endorsement of measures may be intelligent and informed. The members are especially interested in measures and activities concerning the welfare of women and children, public health and the home.

The policy of the club has been to keep the number of major committees small and to form sub-committees on special phases under each subject. For instance, the formation of a subcommittee on mental hygiene, under public health, has just been authorized by the board of directors.

By affiliating with several joint conferences and organizations interested in education, reduction of living costs, recreation, and similar problems, and by co-operating closely with other civic and social welfare groups, much progress is made and unnecessary duplication eliminated.

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[1] *American Consul General, London.*

The club works in co-operation with the city departments and bureaus, which call on it repeatedly for advice and support and which have been most co-operative.

During the last few years special campaigns have been carried on for extending the visiting teacher work in our public schools, abolishing tenement home work in the city of New York, the erection of a suitable house of detention for women, adequate increases in salaries for civil service employees, the preservation of the integrity of the civil service system, co-operative housing, especially for workers' families, the extension of occupational therapy in our city institutions and hospitals, and for other causes vitally affecting our civil welfare.

MARY F. SCHONBERG.[1]

✣

M. O. in Ashtabula, Ohio.—In connection with the report on the operation of the Detroit municipal street railways it may be of interest to know something of the experience of Ashtabula, a much smaller city than Detroit, which has been operating the municipally owned street railway since August, 1922. The following statement from City Manager W. M. Cotton is self explanatory. It covers the first eleven months of municipal operation and is as of June 30, 1923:

Purchase price of property (August 1, 1922)	$150,000.00
Bonds issued to rehabilitate the system	100,000.00
Total revenues, August 1, 1922–June 30, 1923	$101,951.10
Operating expenses (no depreciation included)	85,274.15
Net	$16,676.95
From the proceeds of the bonds:	
New equipment purchased	$73,760.08
Repairs to roadbed, etc.	26,239.92
	$100,001.00
From net earnings:	
Extraordinary repairs	$9,048.05

I have not deducted depreciation, but since it is the intention to retire the bonds out of earnings, the amount available for such retirement is sufficient to more than cover depreciation. Also I have not made any allowance for taxes, since in Ohio a municipally owned utility is exempted from taxation. Whether proper or not, this is a fact.

The number of passengers is greatly in excess of the same months last year, each month showing an increase of between 35 and 40 per cent. This is due to increased service, regular operation, new equipment, etc.

It is of course too early to say the venture is an entire success, but the indications are that the matter is working out excellently. A fare reduction is planned August first for part of the lines, for the short distance rider. If this increases the number of passengers as expected it may be possible for the city to reduce the fare for the entire lines.

The editor may be permitted to add that the street car system is only one of the activities which the city manager must handle. He is giving the people a quality of service such as no private enterprise could command for the salary involved.

✣

The California Budget Muddle.—Last November the people of California adopted a budget amendment to the state constitution, the essential feature of which was to fix responsibility for budget making on the governor. Under this amendment the governor must submit to the legislature a complete budget of proposed expenditures and anticipated means of financing accompanied by an appropriation bill. The governor is given the power after the appropriation bill has passed the legislature to reduce or eliminate any item in it, and his veto stands unless overridden by a two-thirds vote of the legislature.

Well, here is what has happened so far this year. Governor Richardson in his campaign speeches stated that he would reduce the state budget by some five or ten million dollars. When he came into office he submitted a budget to the legislature that did make about that amount of reduction, but in making this reduction he seems to have cut into the constituent interests of some rather prominent members of the legislature. This brought on a fight in the legislature, which resulted in boosting a lot of the items in the governor's budget. When the appropriation bill came to the governor for his approval he proceeded under the authority given him in the budget amendment to put the items back to the same figures as those of his original budget proposal. The legislature then failed to muster a sufficient vote to override his changes, and so the appropriation bill stands. Recently the state employees, that were eliminated because of appropriation cuts, have been vociferous in their criticisms of the administration and the opposition newspapers have taken up the fight in their behalf.

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[1] Civic Secretary, Women's City Club of New York.

As the situation now stands under the budget amendment the governor and the legislature each have the power of veto over the financial proposals of the other. The governor can cut down any appropriation made by the legislature that has not been recommended by him and it takes a two-thirds vote to override him. The legislature can cut down any appropriation proposed by the governor and he has no recourse.

Another difficulty about this year's budget procedure seems to involve some trouble for the administration. The governor did not include in his budget bill the appropriations for so-called self-supporting departments, like the fish and game commission, and certain continuing appropriations. The real reason for this seems to lie in the fact that it would apparently increase his budget some ten or fifteen million dollars over the budget of the preceding biennium. While a perfectly good explanation could be made of this apparent increase, it seemed better from a political standpoint not to have to make it. Now, the state comptroller has refused to draw his warrant for any expenditures not included in the budget bill on the ground that the budget amendment requires that all appropriations of whatever character must be included in the budget bill. This is only one of the legal questions that has arisen from the operation of the budget amendment.

Another important question involves the power of the governor to wipe out an institution established by law merely by eliminating the appropriation for it from the budget. This is a power that does not seem to have been contemplated before the budget amendment was adopted. However, the budget as presented by the governor attempted to exercise this power with regard to some of the state agencies. This attempt was subsequently abandoned, but the question remains and will probably be brought before the courts. Of this and other things that have contributed to the budget muddle in California, we expect to hear more anon.

A. E. Buck.

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Further Comment on Bonded Debt of Cities.—In the comparative bonded debt statement of 36 cities as of January 1, 1923, appearing in the May Review, page 245, certain figures require further explanation.

Mr. George M. Link, secretary of the board of estimate and taxation, Minneapolis, has called attention to the fact that the gross total bonded debt as reported for Minneapolis, $37,512,106, includes the portion of special assessment bonds assumed by the city, amounting to $2,684,906. The total of street and park improvement bonds outstanding on January 1, 1923, was $9,304,086, and in the compilation the portion of such bonds standing as an assessment against benefited property, totaling $6,619,180, was deducted.

The details as to purpose of issue of the general bonds reported, $19,775,606, were not called for at the time of preparing the tabulated statement, and it was therefore not brought out that the portion of special assessment bonds assumed by the city, amounting to $2,684,906, was included therein. If this latter amount be deducted from the gross total reported for Minneapolis, the revised gross total will be $34,827,200, and, assuming no change in the sinking fund, the per capita debt will be $83.60.

In this connection it may be noted that the portion of special assessment bonds assumed by the city is included as a part of the obligations of the city of Minneapolis which affect the net bonded debt of the city, whereas the bonds assessed against benefited property are legally deducted from this gross debt.

The figures for Toronto and Montreal, also, include the city's share of local improvements bonds, due to the fact that in collecting the statistics from the several cities, request was not made for an itemization of the amount reported under the heading "general bonds" to show the details by purpose. This itemization would have disclosed any special assessments bonds assumed by the city.

The figures for Toronto should be revised to read:

General city bonds	$44,624,952.00
Gross total bonded debt	131,359,930.00
Sinking fund	24,085,275.00
Net total bonded debt	107,274,655.00
Per capita net debt	202.76

The figures for Montreal should be revised to read:

General city bonds	$115,328,069.00
Gross total bonded debt	138,717,121.00
Sinking fund	13,645,912.00
Net total bonded debt	125,071,209.00
Per capita net debt	202.22

Thus, the figures for Toronto and Montreal are revised to correspond with the figures of the other cities. However, for these two cities the portion of special assessment bonds assumed by the city are not deducted, as proposed for Minneapolis, as the amounts thereof are not available at this writing.

It becomes a matter of judgment and opinion whether the city's portion of special assessment bonds should be deducted, as proposed by Mr. Link. The compiler of the data concludes, after some consideration, that it would be illogical to deduct them, because they constitute in fact a part of the bonded debt outstanding in the name of the city. The commentary accompanying the tabulation stated, with respect to special assessment bonds, that they "by law are omitted in calculations of the bonded debt." Yet the city of Minneapolis cannot omit consideration of the city's portion of special assessments. When it is added in the commentary, "We omit any consideration of them," it requires no stretch of the imagination to appreciate that the bonds outstanding against benefited property properly may be omitted from consideration. To omit the city's portion, when the city adopts the special assessment method of financing its portion of the cost of such improvements, is unreasonable when consideration is given to this principle of financing as applied to the tax rate,—and this study is a complement to the tax rate compilation published in the December, 1922, REVIEW. Obviously, the tax rate is lower than if the city finances these costs through annual tax levies, and yet the bonded debt is lower if the burden is not included as a part of the bonded debt.

However, when the facts are submitted in full, the reader who is interested may arrive at any conclusion he may desire, and so the compiler has been glad to furnish the additional data. As one correspondent wrote him: "This experience only shows the difficulty of making comparative statistics comparable, with the lack of standardization of terms, great differences in methods of financing, and the natural dangers resulting from collecting information by correspondence, which is the only way in which they can be collected."

C. E. RIGHTOR.[1]

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Rent Control Legislation in the United States.[2]—In connection with the consideration of the question of whether rent control legislation was necessary or desirable in Pennsylvania and more especially for the city of Philadelphia, the Philadelphia Housing Association recently made a study of the extent to which attempts had been made throughout the United States to control the evil of excessive rents.

While this study is necessarily not a complete one, the facts disclosed by it are of considerable interest. In response to letters sent to cities reported to have enacted emergency rent legislation a number of replies were received and the association has analyzed the various measures adopted. The replies indicate two major forms of control: (a) Modification of Landlord and Tenant Laws, and (b) The Creation of Rent Adjustment Commissions.

One or the other of these methods has been tried in New York, New Jersey, Illinois, Massachusetts, Colorado, Delaware, Maine, Wisconsin, the District of Columbia and Portland (Ore.), Boston, Seattle, Milwaukee, Denver, Akron and Dayton.

The Wisconsin law, like the Washington, D. C., and the Denver laws, empowered a commission to determine reasonable rents, to prescribe lease forms, to fix damages for violations of leases and to prosecute for non-compliance of orders issued.

The New York, New Jersey and Illinois legislatures and legislatures of other states, changed their landlord and tenant laws thereby enabling tenants to defend themselves by court action, pleading the rent asked unjust and oppressive and, as a complementary control, by restricting the power of the landlord to bring summary dispossess proceedings for non-payment of increased rentals or for any subterfuge that might be attempted to accomplish the same end. These legislatures left the decision to the courts as to what constitutes a reasonable rent.

In opposition to rent control, it is alleged that the courts are clogged by rent cases, but such was not found to be the case, save in rare exceptions.

In practice these laws and commissions have brought about certain uniform results. Thus the Chicago city council committee reports: "The courts in one year disposed of 17,803 law suits involving rents which practically finished the calandar of this classification during the year. Disputes are usually settled on an average within 10 days after complaint." The District of Columbia rent commission disposed of 3,046 complaints from December 1, 1921, to November 30, 1922. The Denver commission, during the seven months it was active, handled over 2,000 cases without having had a single appeal taken to the courts. In Manhattan alone, the courts handled during 1922 about 150,000 increase of rent cases and as many cases of summary proceedings for possession of premises, while the city counsel of Trenton states, "The district court of Trenton has not been clogged with litigation arising out of tenantry matters."

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[1] Detroit Bureau Governmental Research.

[2] Reprinted from *Housing Betterment*.

It has been alleged that rent laws restrict building. In no city where they have been in force has the building program been retarded. In New York where rent control was most active, the 1922 building program was one-fourth of the total program of the country and dwelling construction exceeded that of all other large American cities.[1]

Denver writes: "The average builder was satisfied with the fairness of the percentage allowed for rents by the commission" and "the building program did not suffer."

The Chicago city council committee reports: "The Illinois rent laws in no way discouraged building. Many millions of dollars have been spent in building houses since the passing of this law. Building is going forward in leaps and bounds." Chicago's housing permits in 1922 were 86 per cent over 1921 and 20 per cent over 1916—a banner year for most American cities.

Rent laws have been effective where adopted and consistently enforced. Those speculative investors who, as temporary landlords, gouge their tenants have had a warning that they must justify rental increases wherever made. The common experience of rent commissions has been that after the commissions become active the number of cases of outrageously high rents have decreased. Neither courts nor commissions have restricted rents so that returns fall below a fair earning on the investment. Both have found many cases before them where the increases asked were not excessive. Rent laws have not disturbed legitimate barter between landlord and tenant but they have controlled the new crop of get-rich-quick speculative investors that have arisen because of the emergency created by the housing shortage.

BERNARD J. NEWMAN.

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[1] The fact should not be overlooked that in New York City along with the rent-control legislation there has been during this period the tax-exemption of new buildings for a 10-year period.—(Editor, *Housing Betterment*).

II. CITY MANAGER NEWS

BY JOHN G. STUTZ

Executive Secretary, The City Managers' Association

Richard Biehl, who has been manager of Westerville, Ohio, for the past seventeen months, has tendered his resignation from the position, and the resignation has been accepted by the city council. Mr. Biehl expects to engage in consulting work, and to further the city manager plan of government in the west.

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John N. Edy, formerly of Helena, Montana, with sixteen years of public service experience, has been employed as manager of Berkeley, California.

*

C. F. Price of San Francisco, California, for eleven years connected with the engineering department of the California state highway commission, took up his duties July first as manager of San Mateo, California.

Hunter K. McGee, formerly connected with the engineering department of Clarksburg, West Virginia, was appointed city manager of Beaufort, South Carolina, taking office June first.

*

Sam Bothwell, engineer and supervisor of public works of Tyler, Texas, has resigned that position with the city July first to accept the position as first city manager of Longview. Leroy Trice, for many years manager of the I. & G. N. Railway, is now serving as city manager pro tem.

*

B. J. Pardee, who has had twenty-five years experience in engineering and managerial work, has been appointed manager of Visalia, California. Mr. Pardee was formerly with the state highway commission, is a graduate engineer, and was also with the Associated Pipe Line Company. His reputation was such that he was recently called to Coalings to straighten out city affairs, and one of the first acts there was to establish a natural gas system, which is bringing the city considerable revenue.

◆

On Monday, June 4, E. H. Hawkins, former city manager of El Dorado, Kansas, was appointed manager of Kinsley. Mr. Hawkins is a civil engineer and has had experience in the managerial field in the state of Kansas.

◆

George Lewis assumed his duties as city manager of Tulare, Texas, during the month of May. He is and has been for the past fifteen years, a resident of the city. For the past fifteen years he has been engaged in the practice of engineering.

◆

D. L. Struthers, former city manager of Wilmington, North Carolina, and for the past two years county highway engineer of Gaston county, was appointed manager of Gastonia, North Carolina, on May 14, to succeed W. J. Alexander, who resigned on May 1.

◆

Robert L. Brumbalow was appointed manager of Burkburnett, Texas, at a meeting of the commission held Monday, June 18. Mr. Brumbalow, who will take office on July first, is an attorney, with residence in Waco, Texas. He was county attorney for Childress county for one term, and city manager of Childress, Texas for two years.

◆

C. W. Hamm, former assistant city manager of Escanaba, Michigan, was appointed manager of Gladstone, Michigan, on May 15, following the adoption of the city manager charter by that city on April 2.

◆

At a Meeting of the City Commission of Brenham, Texas, Mayor A. A. Hacker, acting as temporary city manager under the new charter, made a number of appointments to the various city offices which were approved by the city commissioners. A permanent city manager will undoubtedly be secured soon.

In an Election held the latter part of May, the city of Fernandina, Florida (pop. 5,457), gave a majority of 36 in favor of the ratification of the commission-manager law passed by the state assembly in 1921. The charter is the same as that now in effect in Tallahassee save for a few changes in the bonds of city officials.

◆

We Are Informed by A. J. Titus, mayor of Cherokee, Oklahoma, that this city, which was operating under the city manager plan by ordinance, has abandoned that form of government in favor of the commission form.

◆

The Following Cities are studying the city manager plan: Oakland, California; Trinidad, Colorado; Albany, Georgia; and Sioux Falls, South Dakota.

◆

The Durham, North Carolina, Election Quiets the Kickers.—When the council gave place to the manager type of government in 1921 it was not a sudden revolt but was the result of years of struggle. It was the third attempt to effect the change and the final victory left a disgruntled element that was ready to take advantage of any situation.

There were three main causes for the storm that finally broke in April, 1923. One of these causes exists in the composition of the community. As it is an industrial community, there are sections almost entirely made up of factory workers. These people pay little taxes as compared with the total, but require the expenditure of government funds in larger proportion than other classes of citizens. They are peculiarly susceptible to the wiles of the politician.

A second contributing cause resulted from the attitude of some members of the council. Of the eight councilmen, some were openly opposed to or skeptical of the form of government. This, of course, gave encouragement to those who wanted to start trouble.

A third cause, common in more or less degree to all cities, was the radical transition from a disconnected governmental system with its political commissions in charge of important functions of government seething with possibilities for patronage, to organized business methods without fear of special favor.

So with the stage all set the city manager took up his duties July 25, 1921. During the latter part of 1922 the opposition began to assert itself. Various rumors concerning council meetings were noised abroad and on March 12, 1923, a petition was filed asking that an election be called to decide whether or not the present form of government should be continued. It was found that less than 900 qualified voters, barely enough to require an election, had signed the petition. The election was called for Saturday, April 14, and the fight was on.

The supporters of the present form secured the services of an influential attorney and former mayor to conduct the campaign for them. The advocates of the change spoke through a politician whose character was portrayed in the questionable methods he pursued.

The leader of the advocates of the present form showed clearly the results which had been accomplished. The opposition resorted to every form of personal abuse that could be permitted without libel.

The election was nearly three to one in favor of retaining the present form. The only precinct that recorded a majority in favor of a change was in the industrial district in which the councilmen neglected to be vigorous apostles of the form.

There is now a different atmosphere in the community that bids fair to allow real progress. The mass of the citizenship was informed that the present form of government had made good.

Since the election to change the form of government the regular election to elect a mayor and four councilmen has been held and all the old members except one were returned, practically without opposition, the exception declining to be a candidate for re-election. There is no doubt as to the feeling of the present councilmen toward the form of government, as those who were at first doubtful have become open boosters. The manager's duties will now be performed in an entirely different atmosphere than was the case during the first two years. There will be an opportunity for real accomplishment. Durham has been sorely tried and has won a fine victory and the city manager form of government has been vindicated again.

III. CITY PLANNING AND ZONING NEWS

Thomas Adams Becomes Director of New York's Regional Plan.—Frederic A. Delano, who has been selected to take the place of the late Charles D. Norton as chairman of the Committee on the Plan of New York and Its Environs, announces that on October first the enterprise will enter upon a new stage. Thus far, its work has been primarily the collecting of material as a foundation for a plan. By October, sufficient material will be in hand to permit the emphasis to be laid more and more upon actual planning. Special reports are due at that time from a group of economists who are studying the ten major industries of New York city; from members of the staff of the Russell Sage Foundation who have been studying housing throughout the region, and parks and playgrounds in congested districts; from a group of regional planners who have been studying the territory within a radius of about fifty miles from New York; from specialists in the law of city planning, on the legal aspects of the water front and other problems of regional planning; and from a number of architects who are now engaged upon a study of certain problems on Manhattan Island.

When, therefore, Frederick P. Keppel, now acting as executive secretary of the committee, retires on October first to become president of the Carnegie Corporation, the general responsibility for directing and administering the studies and operations to be carried on will be placed upon the shoulders of a professional city planner, Thomas Adams, who will become general director of plans and surveys.

Mr. Adams has been acting since January first as chairman of the Advisory Planning Group. He has had extended experience in city planning both in this country and in Canada and in England, and is in charge of the courses on this subject in the Massachusetts Institute of Technology.

✣

The Providence Zone Plan, prepared by Robert Whitten, city planning consultant, was adopted by a unanimous vote of both branches of the city council on June 4.

Work on the preparation of the plan began almost a year ago, in July, 1922. In working out the plan, the preservation of the old residence section on the East Side Hill required very careful treatment. This section is located close to the heart of the main business district, and the old houses include many examples of the best type of colonial architecture. Brown University is located in this section and the steep grades leading up the hill from the business center have served to keep the area fairly clear from business encroachments. With the zoning of this section for residential purposes, it is expected that it can be retained permanently as a high class residential district. Another problem was to control further development of three deckers. The zoning plan provides for large dwelling house areas from which three deckers and apartment houses will be excluded.

Providence, like a number of eastern cities, shows a strong tendency towards tenement congestion, particularly in the Federal Hill section of the city. This type of congestion is prevented, under the zone plan, from spreading to other sections by placing most of the area in which apartments are permitted in a district that will permit not more than three or four families on an ordinary 40 foot lot. The ordinance establishes a height limit in the central business section of 125 feet. Buildings may, however, be erected to a greater height on the set back principle applied in New York city. In New York, however, the set back is from street lines only while in Providence, as in the recent Indianapolis ordinance, the set back is from all property lines thus enforcing a strictly pyramidal type of construction above the 125 foot limit. The narrow street widths and the present traffic congestion therein justify the comparatively low height limit of 125 feet for the central business district.

The zoning plan was taken up with the various civic organizations and the maps and the provisions of the ordinance were published in all newspapers. When the public hearing was held two weeks before it was adopted by the council, there was no opposition whatever and not more than a half dozen requests for minor changes were presented.

⁂

Baltimore Adopts Zoning Ordinance.—The Baltimore zoning ordinance, which has been in preparation for some time, was passed by the city council May 19. The city has no provision of state law expressly authorizing zoning, but acted in this matter under its home rule powers.

The ordinance provides for zoning by use, height and area. There is a residential district, a first commercial district for business with incidental manufacturing, a second commercial district for light manufacturing, and an industrial district for heavier manufacturing. There is a limitation by districts of the number of families per acre.

A board of appeals is created with the broad powers which are becoming usual for such boards and certain newer powers. Thus the board may permit in a use district any use, provided the petitioner files the consents of the owners of 80 per cent of the land deemed by the board to be immediately affected thereby. It may also allow in a residence district or a first commercial district the location, on any lot of five or more acres or bounded on at least three sides by streets not less than fifty feet wide, any use authorized in a second commercial district, with height and area provisions appropriate to such use, subject to such conditions as will adequately protect neighboring residential property. Similarly the board may receive from the owner of any tract of three or more acres a plan for use and development of the tract primarily for residential purposes, and modify the use, height and area provisions applicable to that district, provided the requisite area per family is preserved and neighboring property is safeguarded. A person dissatisfied with any decision of the board is given an appeal, of law and fact, to the city court.

There are five height districts in which height is limited to the equivalent of two and one-half, two, one and a half times and once the width of the street upon which the building is located, and, in the fifth district, to forty feet, with additional height for every foot of set back of five, four and three feet, respectively, in the first three districts. There is a maximum height in each district and provisions for towers covering not more than 25 per cent of the lot area.

There are six area districts, in the "F" district the covering of more than 25 per cent of interior or 30 per cent of corner lots, or the accommodation of more than six families to the acre, being forbidden; but in all but the intensive "A" district, 10 per cent of the lot may be occupied by accessory buildings not more than fifteen feet in height.

The draftmanship of the ordinance is excellent.

Frank B. Williams.

⁂

Zoning Has Checkered Career in Philadelphia.—There have been many ups and downs in zoning in Philadelphia. By the act approved May 11, 1915, the legislature of Pennsylvania gave the city of Philadelphia the right to regulate the location, size and use of buildings therein and to make different regulations for different districts. The park commission of the city was also authorized to make similar regulations within a two hundred feet wide strip of property fronting on any parkway, playground or public place under its care and management. All such regulations had to be finally approved by the council.

Acting under the above authority a zoning commission was appointed for the purpose of preparing the draft of a proposed ordinance for complete zoning of the entire city. This was presented to council in December, 1919. For various reasons, among which was the fact that sufficient publicity upon which public criticism might be based had not been given to the measure, the ordinance failed of enactment.

Under the new city charter approved June 25, 1919, the mayor appointed a new and representative zoning commission. This commission after about eighteen months work and study presented to the council in October, 1921, a new draft of the zoning bill covering the entire city. In February, 1922, after three public hearings before the council committee, the bill was returned to the zoning commission for the purpose of further consideration, revision and amendment. The ordinance met with opposition from the owners of central reality, principally in the old city proper between Vine and South streets and between the Delaware and Schuylkill rivers and mainly because of differences of opinion in regard to the limitations as to the heights of buildings. The original draft provided a maximum height in the central congested section of one hundred and fifty feet at the street line with provisions for additional height by means of set backs above that limit.

Later, on November 15, 1922, the council finance committee requested the director of public works to have the commission prepare a proposed zoning ordinance and maps for West Philadelphia. In accordance with this request the commission, in December, 1922, authorized a campaign of inquiry for West Philadelphia to ascertain if the people of West Philadelphia desired zoning regulations affecting their properties, and if so what regulations should be adopted. Public hearings were thereupon scheduled in that part of the city to present the zoning subject, and also the draft of a proposed ordinance for examination, discussion and criticism.

On June 14, 1923, the zoning commission presented its report to council with the draft of a proposed zoning ordinance for West Philadelphia attached. West Philadelphia, because of its large residential character, its size and its physical separation from the rest of the city by the Schuylkill River was aptly chosen for the application of a proposed zoning ordinance. By the 1920 census West Philadelphia has 360,000 population housed in 72,500 homes and occupying about 13,600 acres. Realty assessment for 1923 is $411,975,420. It is about one-half build up to-day and with the normal rate of increase in ten years will house half a million people.

The proposed law for West Philadelphia is a complete zoning ordinance regulating the location, size and use of buildings in that part of the city. The ordinance is now in the hands of the council committee on zoning.

The proposed zoning ordinance for West Philadelphia attempts to prescribe rules for the use of a building, whether it be for dwelling house purposes, for business or for industry and segregates each kind of use to its own district. It also provides regulations governing the height to which each building in its own class of use may be erected and also determines the maximum amount of ground space such building may occupy.

Julius C. Wagner.[1]

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[1] Assistant Director, Department of Public Works, Philadelphia.

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NATIONAL MUNICIPAL REVIEW

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PROGRAM OUTLINE

WASHINGTON MEETING—NATIONAL MUNICIPAL LEAGUE, NOVEMBER 15–17, 1923

Headquarters, Washington City Club

(Morning Sessions are in charge of the Governmental Research Conference)

THURSDAY, NOVEMBER 15

9.30 A.M. Next Steps in Budget Making—Why Has the Budget System Not Fulfilled Its Early Promise? Fundamentals of a Municipal Accounting System.

Reports of Committees of Governmental Research Conference, with discussion.

12.30 P.M. Luncheon (Jointly with Governmental Research Conference).

The Way Out for Our Street Railways.

6.30 P.M. Joint Dinner with City Managers' Association.

FRIDAY, NOVEMBER 16

9.30 A.M. Financing Municipal Paving.

12.30 P.M. Luncheon.

Consolidated Government for Metropolitan Areas.

6.30 P.M. Dinner.

Address followed by Business Meeting.

SATURDAY, NOVEMBER 17

In order that those anxious to visit the various points of interest may do so vithout missing any of the regular sessions, no formal meetings will be held Saturday. It is hoped that members and guests will postpone their sightseeing ntil the third day. Government departments are open on Saturday as on other ays.

Schedule your sightseeing parties for Saturday and you will miss nothing on he program.

COMMENT

A Special Feature of Our Washington Meeting

Many who attend our annual meetings are interested in a practical way in some department of municipal government and welcome the opportunity to see how it is being handled in another city. This year the League and the City Managers' Association (our conventions overlap) will have a municipal clinic (the phrase is Louis Brownlow's) provided them without cost or extra effort.

Due to the hospitality of the Commissioners of the District of Columbia, a schedule of trips has been worked out to enable all those attending the conventions to select the activities in which they are interested and *to see the work under the direct leadership of the head of the department concerned.* A special trip will also be made to the Bureau of Standards where everyone can see how that institution is helping and can help the cities.

The full schedule of trips will be published with the completed program. It has been arranged so as to interfere but slightly with the regular sessions.

✥

The Need for Political Research

In our July issue we published an article by Professor Victor J. West of Stanford University upon the California legislature, which reported that the experiment of the split session has been reasonably successful. The recess has been found useful to numbers for studying bills and sounding public opinion upon them.

But a report from West Virginia, which is trying the same experiment, is of a different tenor. Because so many bills are introduced, the general public has no chance to study them. Although late introduction of new bills has been frustrated, the original measures are not taken seriously because of the freely exercised right to amend them later. The printing of so many bills on introduction and the distribution throughout the state is said to be a heavy expense ($212,000 for the session just ended) with no public benefit therefrom.

Why should a device of this sort work satisfactorily in one state and unsatisfactorily in another? Is it really working out as our observers believe? How can we know? Must it always be a matter of opinion?

The valuation of political instruments is to-day little advanced beyond the stage of generalization and prejudice. Political Science seems almost a contradiction in terms. Our standards of value are vague. Units of measurement have still to be developed. The technique of cool, disinterested method remains to be constructed. We learn so little from political experiments because we have no means of discovering how they work. The split legislative session is only one of scores of subjects of which the above is true.

The National Conference on the Science of Politics was organized to meet the need for a scientific method. One hundred and twenty-five people met last month at Madison, Wisconsin, and worked for one week, three sessions a day, on the development of research. It is a hopeful sign and we shall tell you more about it in the next issue.

GIFFORD PINCHOT'S FIRST LEGISLATURE

BY EDWARD T. PAXTON
Philadelphia Bureau of Municipal Research

One hundred per cent of our readers will be interested in this article

PENNSYLVANIA was without a political leader. Philander C. Knox had died. William E. Crow had died, state senator and soft-coal baron, whose light footfalls on the thick carpets of the capitol had directed the strategy of session after session of the Pennsylvania legislature. Boies Penrose had died, intellectual, disillusioned reformer, who inherited and ran ruthlessly the most perfect political machine that two generations of cunning could devise. Governor Sproul, last leader of his party, had reluctantly laid aside the third recurring opportunity to make himself United States senator by appointment, and by so doing had drawn the curtain on his own political life.

Nor was this all. Lewis S. Sadler had died. Sadler had been state highway commissioner under Governor Sproul, and was being groomed for the governor's chair. His death left the Republican organization without an available and willing candidate. The machine which in 1921 had passed all its measures practically without heed to public sentiment, even ousting the speaker of the house of representatives when he blocked for a time the organization's legislative program, in 1923 stood dismantled.

HOUSE CLEANING DUE

Out of the turbulent session of 1921 had come the conviction that Pennsylvania ought no longer to delay a house cleaning in high places. Ousting the speaker of the house had been too spectacular a performance. Public attention was centered on the falling-out within the party. The defeated faction made loud charges of waste, extravagance, and treasury deficits, which carried weight because of the excellent competence of the testimony. An audit of the auditor general's books showed that the lieutenant governor had been paid, in addition to his salary, a five-thousand dollar fee for special legal services, payment for which seemed unjustified and unsupported. The "five-thousand dollar check" blighted otherwise legitimate hopes for the governorship. The audit showed similar unsupportable payments to other people, and airing them blighted other gubernatorial hopes. Political manipulation of state deposits was disclosed, with considerable loss of interest to the state. The state treasury was unable to meet obligations to school districts. Good authority had it that the former auditor general had erred badly in estimating probable income, and that the governor, relying on his estimate, had signed appropriation bills some million dollars more than the state could pay.

From this combination of need and opportunity sprang Gifford Pinchot's candidacy. Four years as commissioner of forestry under Governor Sproul had made him thoroughly familiar with the task ahead. He had just finished a section of it within his own department. Service in the constitutional revision commission had rounded out his vision of the state.

Promising that he would drive the saloon out of Pennsylvania, that he would operate the state on a budget without waiting for a constitutional amendment, that he would call around him the best brains in Pennsylvania to investigate the financial condition and make the facts public, and that he would move to Harrisburg, live there four years, clean up the mess, and at the end of that time go fishing, he drew the support of so many voters, particularly among the women, that in county after county the machine leaders found it necessary to turn in for him in order to save themselves. The mining districts, and labor generally, supported him. He was nominated over an able and worthy opponent, by a narrow but decisive margin.

Without waiting for election, which in a one-party state is a foregone conclusion, he called about him a citizens' committee, under the chairmanship of Clyde L. King of the University of Pennsylvania, under whose guidance a remarkably comprehensive study of the principal spending departments of the administration was made and a tentative budget for the current biennium was prepared. With the results of this study, the Governor went before his first legislature in January, 1923.

LEGISLATURE CONSIDERED UNFRIENDLY

It was reputed to be an unfriendly legislature. Some members of the house and a few of the senate had won office on the crest of the Pinchot wave, but most of the members were a fair sample of those their districts were accustomed to return under machine administration. Pinchot did not, in fact, control the Republican state committee. And there were other complications. Gifford Pinchot long has been a national figure. He entered this contest saying that he had no political ambitions to further during his term. But he had friends, and relatives, not so modest of intent. There was an alliterative lure about "Pinchot for President." But there were other presidential aspirants in Pennsylvania. The state has suffered from them unbelievably, for a generation. Pinchot was hated, not only for his present success, but from fear of his future. "Let us name your public service commission and your labor appointments," the rumored proposal to the Governor-elect went up and down the well-informed whispering gallery; "keep your hands off Philadelphia and Pittsburgh, *and stay out of national politics*, and we will give you your budget and your state reorganization."

Pinchot had made a Rooseveltian campaign. Assured of the Republican nomination, his election a certainty, he had stumped the state for popular support for his program, and made public demands upon practically every nominee to the legislature for promises of support. These demands were usually made in the course of a speech in the member's district, and this usually was followed by an interview in private with the nominee, the results of which were immediately released to the newspapers. The promises garnered in these interviews stood the Governor in better stead during the session than any other resource at his command.

AN EXTRA-LEGAL BUDGET

The findings of the citizens' committee led to the conclusion that the state had incurred an appropriation liability of approximately $29,000,000 more than it had made provision to meet. The budget presented by Governor Pinchot, the first budget ever presented to the Pennsylvania legislature, requested 25 per cent less for departmental operation than had been appropriated two years before. A gap was left in educational subsidies, which the Governor told the legislature was its problem. It was this problem of additional revenue that tested most severely the calibre of the legislature and prolonged its sessions for two months beyond the stopping point that would have been warranted by the accomplishments.

The legislature was not only bossless but leaderless. It ran around in circles, adopting a policy one week only to discard it for an opposite policy the next. To many of its members the task of thinking for themselves was new and unwelcome. Some men who had been automatons in previous sessions breathed a new breath and gave evidence of surprising powers of initiative; but those who might have risen to effective leadership all shrank from the task. No real leadership developed. Friend and foe appealed to the Governor to step into the breach after the manner of his predecessors, designate administration floor leaders and force concurrence in an administration program. This he declined to do. Relying on the pre-election promises he had extracted from the legislators, his veto power, and his announcement of the certainty of an extra session if the legislature failed in its essential duties, the Governor went no farther into the process of legislation than to insure at the outset the selection of a friendly speaker and certain friendly committee chairmen.

The Governor was not able to accomplish all that he wanted or proposed. The first task, the adoption of a new state prohibition enforcement act, was technically a success, though its effect on prohibition enforcement in comparison with the law which it superseded on the statute books is by no means certain. The saloons have not been "driven out of Pennsylvania." It is said that there are as many as before, only they are not called saloons nor licensed by the state.

The first state budget was the Governor's most notable success. It survived a storm of counterblast and ridicule. It showed the legislature and the people the proportionate relation of the various financial demands upon them, a new vision for Pennsylvania. It made possible an agreement after delay but without serious difficulty, upon new temporary tax measures, designed to produce $20,000,000 additional revenue in the next two years and clean the fiscal slate. One great compromise in the budget probably need not have been made. As presented to the legislature, it was a lump-sum budget, embodying the principle of state aid to private hospitals and similar social-service institutions in proportion to the cost of free service rendered by them. These institutions in the past had been the beneficiaries of individual appropriation bills in amounts governed by political consideration. Naturally, violent opposition to the new basis of support was voiced by countless trustees of private institutions and other parties at interest. The constitutionality of lump-sum appropriations for the purpose was challenged and unfortunately the administration capitulated. Many think that perhaps the Governor's legal advice was unfortunate.

The third success, and the hardest fought, was the enactment of an administrative code embracing a reorganization of the executive departments and their co-ordination as administrative and spending agencies. The code has reduced the number of independent spending agencies from 102 to 21, provided for a budget system and for fiscal control by the governor, provided means for co-operation of the various bodies to prevent duplication of functions, and set up a central purchasing procedure and the machinery for standardization of salaries of departmental employes.

Enactment of legislation for a survey of water-power resources of Pennsylvania was the fourth accomplishment, and one which the future may regard as an epochal step because of the fundamental relation which hydroelectric development is likely to bear to the life of the coming generations.

THE GOVERNOR SUMMARIZES HIS ACCOMPLISHMENTS

The Governor's own estimate of accomplishments is stated in nine points:

1. *A budget to be presented to the state legislature.*
   This budget has passed practically in the form in which it was submitted.
2. *Adequate fiscal control.*
   This has been provided for in the administrative code in a way entirely satisfactory to the administration.
3. *A uniform system of accounts.*
   This plan has been worked out and has been adopted.
4. *Plan to keep expenditures within income.*
   This has been accomplished and to-day the departments are working out plans for their expenditures for the next two years which will be, under the administrative code, subject to revision as the income of the state may require or warrant.
5. *Reorganization of the state government.*
   This reorganization is an accomplished fact in a form almost ideal. It can be said without any doubt that it is the best plan of reorganization adopted in any state as yet.
6. *The administrative code.*
   The administrative code as passed carries out exactly the ideas recommended in the citizens' committee reports.
7. *A responsible financial advisor.*
   This plan has been carried out in full through the department of state and finance.
8. *Standards of public employment.*
   The executive board is given power to standardize salaries and positions.
9. *A purchasing and standardization bureau.*
   This plan has been adopted in full in the administrative code.

OTHER NEW LEGISLATION

As for the general activity of the legislature, it may be said that the group typified by the manufacturers' associations are the only ones who got all or nearly all they wanted. Not a single "labor measure" of importance passed, though labor had been with Pinchot strongly in the primaries. The defeats included an eight-hour bill for women, a bill for one day of rest in seven, a children's eight-hour bill, a bill forbidding child labor under 16 years of age, an effort to set up a minimum-wage board for women and minors, a series of bills liberalizing the workmen's compensation act, and another series designed to protect interests of bituminous and anthracite miners.

A blue-sky law was passed, and an anti-lynching law. The indeterminate-sentence plan was broadened by a law providing that when an indeterminate sentence is pronounced, the minimum shall not be more than half the maximum, the prisoner being considered for parole upon the expiration of the minimum. Juvenile courts were given exclusive jurisdiction in all cases of children under 14 years and the establishment of a juvenile court was made compulsory in every county. An old age assistance act was passed, though with an entirely inadequate appropriation. A mental-health code brings together and liberalizes the legislation dealing with mental patients and defectives. Another act makes it possible to accept the benefits of the Sheppard-Towner maternity act. An effort to abolish the professional licensing of engineers was defeated. Efforts to replace on the statute books the full-crew law and the non-partisan election of judges, both wiped out two years ago, also were unsuccessful. The home-rule enabling act failed, though home rule for cities was a part of the Governor's platform.

The additional tax measures are self-repealing. They impose for two years a tax of one-half of one per cent on the profits of corporations, and an additional cent per gallon on gasoline. An attempt to repeal the anthracite coal tax failed. A proposed "luxury tax," and proposals to tax bituminous coal, natural gas, and crude petroleum also failed, as did a proposed sales tax. A constitutional amendment permitting graded and progressive taxation failed because of fear of a state income tax.

Fourteen constitutional amendments were passed, out of forty-two offered. Fortunately, a bill was also passed permitting a referendum on the calling of a constitutional convention.

Perennial civil service and election reform bills met their usual fate. For the rest of the session, it may be said that the most sharply debated issue was daylight-saving, and that more attention, as well as success, was awarded a measure to prevent the counterfeiting of the relics of Tutankhamen than to a proposal to put coal-producing companies under the regulation of the public service commission in order to avoid the repetition of last year's acute coal shortage.

MILWAUKEE REGISTERS PROGRESS[1]

BY DANIEL W. HOAN

Mayor of Milwaukee

Mayor Hoan believes that the city renders service to the people at a fraction of what private interests would require to do the work. We welcome stories of progress from other cities. :: :: :: ::

From years of study I have formed the conclusion, and so stated recently at a large public meeting of one of our civic clubs, that the city of Milwaukee performs every public service at a cost from one half to one tenth of what the expense would be if the same service were performed by private individuals. I was in hopes I would be checked on that statement, but so far the assertion has not been contradicted, and until it is successfully refuted I shall continue to believe it is true.

Take our garbage collections, for instance. We make a weekly collection for two dollars per family annually. I know of no city that performs the same service for less than twenty dollars annually.

Our ash collections are done at a cost of eight dollars per family annually and we go into the basements to get the ashes. No private firm would perform this service anywhere for less than twenty dollars annually.

I am prepared to take up police, library, natatorium, or any other municipal service and make like comparisons. It is due not only to the large scale on which the city does its services, but to the low cost of overhead. I stated at that meeting that in the event any citizen could show any service that could be performed better and at a lower cost than by municipal functioning, the city should be prepared to make a rapid change. So far, however, no such offer has been forthcoming.

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[1] The address of welcome to the National Association of Comptrollers and Accounting Officers at their Eighteenth Annual Convention.

I therefore submit, that performing municipal service honestly and efficiently is one of the most patriotic duties that any citizen can contribute. No one shares the responsibility and care of municipal government more than do the comptrollers.

MILWAUKEE'S CREDIT SOUND

You will no doubt agree with me that perhaps the greatest authority on municipal finance in bonds as well as the man most familiar with the financial standing of cities in the United States is Judge Charles B. Wood of Chicago.

At a conference with Mr. Wood about a year ago he expressed himself as follows:

> Mr. Mayor—your city, Milwaukee, has without question the best financial standing and credit of any city in the United States. It is due to the enactment and careful administration of a number of laws and measures which I trust you will continue to painstakingly adhere to.

Let me communicate to you very briefly an outline of just what measures the Judge had in mind and which has resulted, in the opinion of the Judge, in Milwaukee assuming the leadership in matters of municipal financial credit and standing.

1. The institution of a scientific budget system which has absolutely prevented the usual recurring financial deficits at the end of each year.

2. The elimination of the issuance of all bonds which might in any sense be classed with such as pay for operating expense. Among the classes of bonds which we have refused to issue since 1910 have been street improvement, bonds to dredge rivers and also miscellaneous small issues of bonds in place of which we have levied a tax. This shift in policy meant the assumption by the community, of a temporary financial burden, but present results are so obvious as to need no further comment.

3. We have issued a direct tax of one tenth of a mill for over ten years and which now accumulates about $70,000 a year to wipe out a deficit of a half century's standing due to unpaid personal property taxes.

4. We have levied a tax of one fourth of a mill which now accumulates about $140,000 a year to place ultimately all of our city departments on a cash basis.

5. We have centralized all the purchasing of the city in one board which has resulted in many hundreds of thousands of dollars saved. Added to this is a storehouse on which we keep an accurate check of all goods.

6. We have been able to inaugurate a system of paying cash for goods purchased and thereby instituted a discount system which resulted last year in a net saving to the city of approximately $40,000 and which amount increases year by year.

7. Perhaps one of the most valuable steps taken was the elimination of the usual method of paying contractors by certificates. It is a well-known fact that many of these certificates were uncollectible because of nonpayment of taxes, etc., and that the bankers usually charged a large discount to cash the same. We have eliminated this system entirely and pay our contractors in cash. At the same time the property owners have been benefited by permitting them to extend their payments over a period of six years if they so elect, by the payment of 6 per cent interest. While this law permits the city to issue a six-year bond to meet any possible

deficit of funds needed, I am happy to say that so far our surplus has been sufficient to carry on the system without the issuance of a single bond. The saving from this system is so vast as to need no further explanation.

8. Next we have altered our system of depositing all our trust funds in local banks or depositories. This fund brought us only 2 per cent for years. We have inaugurated a system of investing these funds largely in short term government securities bringing us at least twice the former amount of interest.

9. We have also inaugurated a system of permitting a taxpayer who has paid his state and county taxes, the right to extend the time of paying his city tax for six months, upon payment of 6 per cent interest. This latter system saves the taxpayers, who are in temporary financial stress, from the loan shark, and at the same time insures the city a fair rate of interest. As a result of these two systems, together with other interest monies received from trust funds, the city of Milwaukee now receives approximately one-half million dollars annually in interest money. Perhaps $100,000 comes from increased interest annually, due to buying short term certificates, while $52,000 is the amount in interest we receive in an average year for extending taxes.

AMORTIZATION FUND ESTABLISHED

Last, but not least, due to this accumulation of interest we have firmly established recently a municipal amortization fund ultimately to wipe out all of our public debt. In June I had the pleasure of signing a check of $375,000 out of our interest fund to be placed in this amortization fund. This fund will be added to year by year and will draw interest and compound interest until such time as our debt is finally eliminated, and which will result in a much desired reduction in tax rates. As a companion measure we have also established a private foundation for the accumulation of private funds for the same purpose.

At first glance it might seem that so large a program would be very burdensome upon the taxpayer. I would call attention, however, to the fact that of the tax rates of thirty of the largest cities of this country, you will find Milwaukee's rate down about half way. You might also suspect that our bonded indebtedness is great. However, in an article in a recent issue of the NATIONAL MUNICIPAL REVIEW we find this statement:

> Compared with 36 of the largest cities of the United States, Milwaukee's per capita bonded debt comes as twenty-nine on the list with only seven cities lower. Milwaukee's gross bonded debt is placed at $27,750,500 or $53.09 per capita as against an average of $103.40 per capita for thirty-six other states, omitting Washington with a per capita debt of .36. The average is $16.79 for St. Louis to $206.60 for Norfolk.

PUBLIC IMPROVEMENTS ON BIG SCALE

Time will not permit me to prove that we have not neglected our public improvements, except to say—we are about to complete the most expensive sewerage disposal works, in comparison to population, of any city in this country, a thirteen million dollar project, of which over one-fourth was paid for in cash.

We have also acquired every foot of riparian rights along our lake front and are constructing the best harbor on the Great Lakes. We are widening one of our main arterial highways to 180 feet and will provide on one point thereon, a civic center involving an expenditure of eight million dollars.

We have built more high schools and

acquired more playground space in the past three years than the city possessed in its entire history. A million dollar viaduct, a new water intake, and a new million dollar pumping station, a new street lighting system and innumerable other public improvements places our program for municipal improvements second to no other city of its kind in the country.

I am not boasting, but have merely related to you a fact of which we are justly proud, namely, that we have achieved financial leadership both as to standing and credit of all American cities.

AN EXPERIMENT IN TEACHING CIVICS

BY W. C. HEWITT
State Normal School, Oshkosh, Wisconsin

There are suggestions in this for teachers with energy to depart from classroom routine. :: :: :: :: :: :: :: ::

Not very long ago I tried some experiments in Civics teaching that were so interesting to me that I am emboldened to outline them briefly for other teachers of government.

A NATIONAL CONSTITUTIONAL CONVENTION

My class of fifty pupils organized themselves as a national convention for the purpose of rewriting the constitution of the United States. Each state and outlying possession was represented. The officers of the convention were a president, vice-president, minutes secretary, documents secretary, and a standing committee of style and arrangement.

Each clause, sentence, and word of the constitution was carefully studied, the general procedure being to retain the present wording and arrangement unless the majority of the convention decided otherwise.

I did not agree entirely with all the changes made, but I can say that all the alterations and additions were along thoughtful and patriotic lines.

As indicating what things were in their minds:

1. They materially improved the arrangement of the constitution by putting all the rights of the constitution in a single section at the beginning.

2. They lengthened the term and increased the salaries of the congressmen. They improved the present administrative order by having the terms of representatives and senators begin in the congress immediately following the election. They specifically increased the power of congress over taxation, monopolies, and territory, and made the budget system obligatory.

3. They declared the president should be elected by popular vote, specifically gave the supreme court the power to declare unconstitutional any state or national law, and inserted in the preamble a recognition of Almighty God.

A STATE CONSTITUTIONAL CONVENTION

My second experiment was with the next class, which organized as a state constitutional convention, the delegates being from the various counties. The method of procedure was essentially the same as with the United States constitution. Some of the changes made in the Wisconsin constitution were as follows:

1. A single house of one hundred members was created, and the governor was given a cabinet of eleven members, all being entitled to seats on the floor of the legislature.

2. The initiative, referendum and recall were affirmed, but denied as to judicial officers.

3. The supreme court was increased from nine to eleven members, and seven justices might declare a state law unconstitutional.

There were many other changes made relative to education, taxation, and administrative work, but the above will indicate the lines of study.

A CITY CHARTER CONVENTION

My third experiment is now in progress. The class is organized as a city charter convention with two delegates from each of the fourteen wards. The officers of the convention are a president, vice-president, secretary, and secretary of style and arrangement. The specific work of the class is to write, not a model charter, but a model charter for the city of Oshkosh, population, 35,000. The first creative work appeared when the class began to study actual local conditions.

1. The city is divided by a river; this causes apparent diversity of social and economic unity.

2. Practically all the Protestant churches are on one side of the river; this causes religious separation.

3. The members of the Rotary Club come from one side of the river, and practically from four wards; this indicates intellectual isolation and corresponding opposition.

4. As one laborer put it, "All the high-toned institutions are on the same side"; this makes a city of classes.

All these considerations and others were brought out when the personnel of the council was determined, and the convention decided that the local situation demanded a representative council of fourteen members, one alderman from each ward.

The people are not opposed to efficiency, but there is more or less opposition to the "specialist." A large group in the class advocated the "manager" idea; but the other group, while granting the necessity of the manager, advocated an increase in the dignity of the mayor, so a compromise was reached by creating the mayoralty, with a salary of $5,000, the mayor to be elected at large.

It was here that constructive work was begun. The election laws of Wisconsin are deficient in that there is no selective work prior to nominations. So the convention decided to create what is known as a preliminary ward meeting. Prior to the primaries, the people of each ward are to meet and discuss the qualifications of candidates, and the needs of ward and city. The ward will elect a president, vice-president, secretary, and executive committee of three. It is the duty of the executive committee to make suggestions on candidates and issues, but all such reports and actions thereon are merely advisory. Candidates will be nominated as at present by primary petition. The ward organization is permanent, and meetings may be called by the president at any time, and must be called at the written request of ten voters of the ward.

The idea of our convention was that the ward meeting would give an opportunity for all people of the city to have a voice in all civic questions, and that this opportunity would make for wider civic consciousness. In limiting the action of the ward meeting to discussion and recommendation, the convention decided that the action of political bosses would be eliminated. For example, suppose the mayoralty election is approaching. After the fourteen ward meetings have acted the list of candidates will have been carefully discussed, and at subsequent meetings the list can be reduced to a smaller list of eligibles. At present there is no machinery by which the people may get together. The ward meeting would be a permanent device by which the people could meet to discuss any question of interest to the city.

WHAT WAS ACCOMPLISHED

I think I am justified in giving some conclusions from these three studies:

1. In all the studies there was a generous amount of creative work, and I need not emphasize the fact that creative thought on governmental matters is infinitely better than lectures or memorized recitations.

2. Attention to governmental questions was obtained from many sources: At least a dozen leading newspapers have commented favorably on the work, nearly all printing the names and pictures of the officers. We have had encouraging recognition of the work from our senators, congressmen, governor, superintendent of public instruction, secretary of the state board of education, and secretary of the board of regents. I think publicity is an important result in practical governmental study.

3. The signing of each constitution in the public auditorium was an impressive affair. The events were almost as solemn as the signing of the original United States and state constitutions. Some of the delegates were so moved as to be scarcely able to hold the signature pen.

4. The parliamentary training was unusually profitable. The defect of practice lessons is that they do not deal with real things. The differences of opinion on real issues gave rise to real parliamentary maneuvering, and therefore resulted in real parliamentary training.

5. The contests over words, phrases, and arrangement were fruitful English work.

6. Each delegate in the United States convention had a knowledge of the constitution of the state he represented, and I think the study of comparative governments of state and nation was better and more widely done than when I personally direct the work by lecture and references.

7. The real issues of to-day and to-morrow had a wide and intelligent discussion. Material bearing on the present problems was more freely used and more effectively applied than in my regular classes. When radicals appeared they had to answer the conservatives—when the conservatives rested on the things that are, they had to justify them from history, economics, and ethics.

The general effect of all the studies was to create a deeper reverence for the work of the "Fathers." Time and again it came out that it was easier to destroy than to create, and I think I am safe in saying that when the work was done there was no member of the conventions that did not think of his country after a nobler fashion. I did not teach these classes. I was a delegate from the Philippines, from Juneau county, from the third ward—the work was done by the students themselves, and it is an even question as to who learned more, they or I.

HOW WASHINGTON IS GOVERNED

BY DANIEL E. GARGES

Secretary, Board of Commissioners, District of Columbia

This will be of interest in connection with our annual meeting next month in Washington. :: :: :: :: :: :: ::

The present form of government was provided by an act of congress approved June 11, 1878. This government consists of three commissioners, two selected by the president of the United States from actual residents of the District of Columbia who have been residents for three years, and an army officer detailed by the president. Their term of office is three years. These form a board of commissioners and this board has duties corresponding to that of a mayor.

The Constitution of the United States provides that congress shall exercise exclusive legislation over the District of Columbia, but congress by various statutes has delegated to the commissioners the power to make police, building, health, and other municipal regulations, and to enforce them by proper penalties. There are some duties, however, which ordinarily come under the jurisdiction of municipal authorities which the commissioners do not have. This situation arises by reason of the fact that Washington is the capital of the United States. For instance, the United States authorities have charge of the water supply system including the bringing of the water from Great Falls to the filtration plant and filtering it. All water mains supplying the inhabitants of the city with water, however, are constructed by the commissioners, and all water, whether furnished to the citizens or to the property of the United States, is distributed under the jurisdiction of the commissioners. The United States also has jurisdiction over all public parks.

The board of education of the District of Columbia is appointed by the judges of the supreme court of the District of Columbia, and the Board of Charities, the recorder of deeds, and the judges of the municipal court are appointed by the president of the United States. The commissioners, however, appoint the heads of all the various municipal departments in the District government, and also the employees of the District government. These employees do not come within the provisions of the civil service laws, with the exception of the police and fire departments.

One of the duties of the commissioners is to submit annually estimates of funds necessary to support the government of the District of Columbia. These estimates are submitted to the director of the budget in the treasury department, and as they are approved or changed by the director they are submitted to congress. In both the house of representatives and the senate there are appropriations committees and a subcommittee of five members which has charge of preparing the District of Columbia appropriation bill. The bill is first prepared in the house of representatives, and during its preparation the commissioners are granted hearings, in order to present to congress the necessity for appropriations asked. The subcommittee prepares the bill and it is sent to the house of representatives. After it is passed by the house, it is referred to a similar subcommittee of the senate appropriations committee, and this committee also grants a hearing to the commissioners. It frequently adds by amendment to the amount of the bill allowed by the house. The senate then passes the bill with the amendments. The bill is then referred to a conference committee consisting of three members each of the house and senate subcommittees. The conference committee makes its report to the house and senate. The bill is passed, and when signed by the president it becomes a law.

All legislation for the District other than appropriations comes under the jurisdiction of a committee of the District of Columbia, of which there is one in the house and one in the senate. Whenever the commissioners desire to have a law passed they write to the chairmen of these committees recommending the introduction of a bill to accomplish what is desired. These committees consider such requests and if they favor the measure they report it to the house and senate, and when passed by these houses and signed by the president it becomes a law. All bills relating to the District of Columbia, by whomsoever introduced, are referred to these committees.

All funds appropriated for the expenses of the government of the District are paid from two sources. These sources are:

1. Taxation on real estate and personal property of the residents, including street railways, gas companies, and other public utilities, and certain license taxes imposed by law on various businesses.

2. Money in the United States treasury belonging to the United States.

When the present form of government was established in 1878, the law provided that one-half of all appropriations made for the expenses of the District of Columbia should be payable from taxes levied on the residents of the District, and the other half from funds in the United States treasury. Under the law as it now exists, however, it is provided that 60 per cent of such appropriations shall be paid from taxes levied in the District, and 40 per cent from funds of the United States. Prior to July 1, 1922, taxes on real estate were levied on the basis of a two-thirds valuation, and on personal property at full valuation. Now taxes on both real estate and tangible personal property are based on a full valuation. The rate fixed for the fiscal year beginning July 1, 1923, is $1.20 per $100 on both real estate and tangible personal property. For the preceding fiscal year it was $1.30 per $100. On intangible personal property the provision of law requiring a tax of three-tenths of one per cent was increased on July 1, 1922, to five-tenths of one per cent. The law provides that the commissioners shall fix the rate of taxation to meet the proportion of the expenses of the District to be paid from this source. Taxes were formerly payable annually, but beginning July 1, 1922, they are payable semi-annually on November 1 and May 1 of each year.

The assessed value of real estate and personal property in the District of Columbia on June 30, 1923, was:

Land	$335,538,719
Improvements	387,660,549
Personal Property:	
Tangible	123,765,372
Intangible	365,079,089

Real estate is assessed biennially.

For the purpose of providing for the orderly conduct of the business of the District government each member of the board of commissioners is appointed a committee of one to handle certain municipal functions. One commissioner has charge of the assessment of property, the disbursement of appropriations, the licensing of businesses, the collection of taxes, the handling of legal matters and insurance, and the purchase of all materials supplies, and the control of the almshouse, reformatory, and workhouse. Another commissioner has charge of the fire and police departments, the supervision of weights, measures and markets, the supervision of playgrounds, etc. Another commissioner has charge of all street improvements, the construction of school and other municipal buildings, the removal and disposal of garbage and city refuse, the construction of sewers, the cleaning of streets, the lighting of streets, the laying of water mains, the care of street trees, etc. Twice each week and at other times when necessary, the three commissioners meet in board session. Each commissioner brings before the board matters affecting his department, and the board passes such orders and regulations as they deem advisable covering the matters brought to their attention. These orders are signed by the secretary to the board of commissioners, and are issued to the heads of departments for execution.

In addition to the duties which the commissioners have as executives of the District government, congress has placed upon them certain other duties. The three commissioners form a public utilities commission with jurisdiction over street railways, gas and electric companies, telephones, baggage transfer, etc. The commission fixes the rates which may be charged for all of these commodities, and the public utility companies cannot charge more than these rates for services which they render.

The commissioners, together with the architect of the capitol and the officer in charge of public buildings and grounds in the city of Washington, form a zoning commission which divides the city into zones, which can be used only for residence purposes, business purposes, and other commercial purposes. They also fix the height to which buildings can be erected and the area of ground which can be built upon.

All matters with reference to the public school system, with the exception of the construction and repair of school buildings, are placed by law under a board of education consisting of nine members appointed by the judges of the supreme court as heretofore stated. The board of education appoints all the teachers and other employees and makes rules for the operation of the school system. The expense of running the schools is one of the municipal expenses cared for in the District appropriation act.

It may be interesting to note the various taxes and assessments which the property owner in the District of Columbia is called upon to pay. When the city of Washington was laid out into streets, avenues, and alleys, the old boundary of the city was Florida Avenue. As the city grew, however, property owners outside this boundary subdivided their land into lots, and dedicated streets. These streets as well as the city streets were improved at the expense of the District government and no assessment was made for such improvement. In the year 1893, however, congress directed the commissioners to prepare a plan for extending the streets and avenues of the city throughout the entire District, in order that when the land was opened for building houses the streets would be run in a systematic manner. The law provided that if a property owner wished to subdivide his land he must dedicate the streets to the District without any cost. If he did not dedicate and the commissioners desired the streets to be opened, they would institute a proceeding in court to take the land for street purposes, and the property owners were required to pay the cost of the land taken. After the street was opened, it was necessary to lay sewers, water and gas mains, and electric lights, and also to provide sidewalks and roadways. With the exception of the gas and electric light, the property owner is required to pay for all these improvements. Now he pays two dollars per front foot for a water main, and one dollar and fifty cents for a sewer; one-half of the cost of laying a sidewalk; one-half of the cost of paving alleys, and one-half of the cost of paving the roadway in front of his property. This is in addition to the taxes he pays each year on the property.

The District of Columbia has practically no bonded or floating indebtedness.

On June 30, 1923, the outstanding 3.65 per cent District of Columbia bonds amounted to $4,589,250. The sinking-fund assets amount to $4,423,640.91, thus making the net indebtedness of the District of Columbia on June 30, 1923, $165,609.09. The District of Columbia has no other form of indebtedness than that represented by its outstanding 3.65 bonds. The 50-year period for which these 3.65 bonds were issued, the issue being limited by law to $15,000,000, will expire August 1, 1924. The sinking-fund assets, represented entirely by investments in bonds of the United States, will be nearly sufficient to take up the outstanding bonds.

CIVIC INTEREST AND CRIME IN CLEVELAND

A FOLLOW-UP ON THE CRIME SURVEY

BY RAYMOND MOLEY
Associate Professor of Government, Columbia University

What has been accomplished in two years, and what remains to be done

Civic interest, shocked and aroused by a deplorable murder case, educated and informed through a survey of criminal justice, and sustained and directed by permanent citizen organizations, has for the present, at least, rescued Cleveland from an unhappy prominence as an easy town for crime and criminals.

For a period extending several years back of 1920, Cleveland, once far heralded as well governed, had suffered an alarming increase of crime. The quality of its law enforcement had become an open invitation to the criminal and vicious. In 1919 a special grand jury was created composed of reputable men and charged with the duty of finding out why crime had become so rampant. The report of this grand jury revealed an "easy" town with a confusion of responsibility in the police department, politics and slovenliness in the work of the prosecutors' offices, unintelligent humanitarianism on the bench and unwholesome relations between lawyers serving the underworld and officials supposed to serve the public. It stated that certain officials, notably the county prosecutor, had "steadily lost the confidence of the community and the bar," and recommended that he "should resign or be removed by due process of law." It also stated that the city director of public safety, titular head of the police force, should be "immediately superseded."

TRIAL OF CHIEF JUSTICE AROUSES PUBLIC

A year later a murder case threw before the public the same general condition in a much more detailed and lurid manner. The chief justice of the Cleveland mumicipal court sadly disgraced his high office by becoming involved in a sordid series of events which culminated in a murder for which he was twice tried, but finally acquitted. Throughout this whole incident there was exhibited much bungling police work, ineffective prosecution, yellow journalism, and questionable political operations. Civic organizations were finally taught the need of fundamental and carefully planned reform and at the very culmination of the public interest in this revelation of governmental breakdown, the Mayor, The Bar Association, The Chamber of Commerce, and other civic bodies requested The Cleveland Foundation to conduct a searching survey of the whole machinery for the administration of criminal justice.

The Cleveland Foundation conducted this survey in 1921. The survey found that the outstanding shortcomings of the administration of criminal justice in Cleveland were the following:

An antiquated police system, made up of men "singularly free from scandal and vicious corruption but working in a rut, without intelligence or constructive policy on an unimaginative perfunctory routine";

Prosecutors, poorly equipped and qualified for their work, politically selected, underpaid, trying to cope with a tremendous volume of business and revealing in their work a condition of "serial unpreparedness";

Judges, theoretically removed from partisanship by the non-partisan ballot, but embarrassed by the need of carrying on a constant campaign for re-election, subjected to pressure from yellow newspaper enterprise and from racial and economic groups, with little incentive to conduct their work with energy and spirit;

Daily newspapers, exploiting the sensational and unusual, playing up "crime waves" when such "waves" do not exist, advertising the mountebank judge or prosecutor and neglecting the prosaic, but conscientious public servant, interfering with the capture of criminals by premature publicity, and coloring public opinion during sensational trials to the extent, perhaps, of influencing juries to follow the news rather than the evidence;

A bar, with its leading members too absorbed in the commercial aspects of their profession and little interested in the improvement of conditions in the courts, with a large proportion of its members poorly educated and organized only in a bar association existing until recently merely to "memorialize its dead members."

Back of it all a public uninformed, unorganized, without leadership, suffering these conditions with lazy complacency.

THE ASSOCIATION FOR CRIMINAL JUSTICE

The primary object of the Foundation in conducting the survey was to stimulate public interest in the long, difficult and prosaic job of rebuilding the machinery of justice more nearly in line with modern needs and conditions. The publication of the survey was only the beginning of reform. Under the leadership of the Bar Association, an organization was formed which is known as The Cleveland Association for Criminal Justice. It is a federation of thirteen of the great civic organizations of the city and it has as its object the improvement of the administration of criminal justice. Some idea of the civic power which it represents is indicated by its member organizations which include The Cleveland Bar Association, The Cleveland Automobile Club, The Cleveland Chamber of Commerce, The Cleveland Advertising Club, The Cleveland Academy of Medicine, The Cleveland Real Estate Board, The Civic League of Cleveland, The League of Women Voters, The Women's City Club, The Cleveland Builders Exchange, The Cuyahoga County Council of the American Legion, The Cleveland Chamber of Industry, and the Industrial Association. Through this organization there has been welded into a unified body the aggregate power and influence of agencies aggregating in membership 75,000 of the city's best citizens. The organization has now been in existence since January, 1922. During its first year it was financed by private subscriptions; at present it is supported by the Community Fund.

CARD INDEX OF ALL FELONIES

The basis of the work of The Cleveland Association for Criminal Justice is a complete card index of felonies committed in Cleveland. This record shows all of the facts of record in each case and constitutes a more complete record of crime than is maintained by all of the public agencies of the city combined. It reveals the status of each case, the judges, prosecutors, police officers, bondsmen, and lawyers involved and almost automatically throws out a warning when the process of justice is diverted or halted without legitimate reason. This corrects at once the condition which permitted professional bondsmen and lawyers of the underworld to operate with the assurance that they would leave no tracks behind. In addition to its card index of crime, the Association maintains observers in constant attendance at the criminal courts acting in a sense as the "eyes of the public." Special cases have been carefully investigated and quarterly reports are issued informing the public concerning the quantity and quality of crime, giving public officials deserved credit and, when necessary, fearless criticism. In sixteen months of operation, the Association has become a force to be reckoned with, representing actively a public interest long neglected, giving assistance where possible and practicable, fair and helpful toward officials but a constant menace to the forces which so long diverted the course of justice in the interest of private gain. It has made a place for itself in the civic life of the community.

Since 1921 other civic forces have been increasingly active in this field. The Cleveland Automobile Club is probably the most virile and aggressive civic organization in the city. It has over 33,000 members and an annual budget of more than $300,000. It has made a direct and powerful attack upon the problem of automobile stealing with the result that in three years automobile thefts have been cut 36 per cent. On account of the fact that automobile thieves are often experienced general criminals, and that automobile stealing has become a very important accessory to other sorts of crimes, a force which acts against automobile stealing has had a very real effect upon crime in general.

The Bar Association within three years has emerged from its lethargy and has helped to make the judges more independent of the forces which have hampered their effectiveness.

CONCRETE IMPROVEMENTS

Through the aggregate effort of these and other civic bodies a number of improvements have been made since the publication of the Foundation survey in 1921.

1. Cleveland has had probation in its municipal and juvenile courts for a long time. In 1921 there was created a greatly needed probation department in the higher court of common pleas.

2. The legislature of 1923 passed a bill, prepared and sponsored by the Bar Association, providing for a chief justice of the common pleas court. This was one of the most important recommendations of the survey. It provides an executive head for a court consisting of twelve judges with both civil and criminal jurisdiction.

3. Better prosecutors have held office since the survey. An entirely new staff of municipal prosecutors was appointed by the new city administration in January, 1922. This group is really non-partisan and of genuinely good quality. The county prosecutor's office has also greatly improved both in personnel and methods.

4. After a deadlock of six years, with the defeat of four bond issues for a new criminal courts and jail building, a group of civic agencies co-operating with county officials has secured an agreement upon a new plan which will probably result in a new and modern criminal justice building.

5. More effective grand juries have been appointed during the past two years. Judges have appointed men and women of standing to this important duty, and people thus summoned have given their services willingly.

6. The Bar Association, following a suggestion of the survey, now secures a poll of the members as to the retention of judges whose terms expire, and actively campaigns for their re-election. In the last judicial election all the candidates for re-election kept out of the campaign themselves (an amazing and unprecedented proceeding) while the Bar Association carried on a vigorous campaign and re-elected them all. Such a policy should result in more independence for the judges in office.

7. Largely due to efforts centered in Cleveland, the rules for admission to the bar have been strengthened to the extent of requiring night law schools to lengthen their courses from three to four years and to raise their entrance requirements.

SOME OLD HABITS PERSIST

It would be a most unintelligent optimism to claim or seem to claim that in two years the long established and well-known shortcomings of the administration of criminal justice in this modern community have been entirely corrected. Much remains to be done before Cleveland can even approximate the effectiveness which the need demands. Some of the old vicious habits persist in spite of an unquestioned will to reform. The police department is still in a rut although there is less of the old confusion of responsibility among mayor, civil service commission, director of safety and chief of police. Police records are still inadequate and unreliable. Some newspapers still tell the world (and criminals) where police are seeking for suspected offenders and in every sensational case cater to the low, morbid instincts of the community. The "performing" judge still makes his occasional appeals to the grand stand. Prosecution is still occasionally careless and perfunctory.

But during the months which have passed since the publication of the survey and the formation of the Association for Criminal Justice there has been a most encouraging diminution in crime. To say that this fact has resulted directly from any single factor would undoubtedly be dangerous, as there are many quite obvious contributing causes. Everything indicates, however, that there really has been a definite stiffening of prosecution in Cleveland which has been almost exactly contemporaneous with the increased public interest since 1921 and the very active work of the Association for Criminal Justice and the Automobile Club. The following table indicates the total number of three typical crimes in three years:

CRIMES IN CLEVELAND DURING THREE YEARS

	1920	1921	1922
Robbery and assault to rob....	1,188	1,043	699
Burglary and housebreaking....	2,302	2,573	1,672
Auto thefts..................	2,663	2,374	1,716

CLEVELAND AND OTHER CITIES COMPARED

Another way to measure Cleveland's improvement during the past three years is by a comparison with similar cities. We have selected Buffalo and Detroit because they are like Cleveland in size, geographical location, and in the character of their population and industries. Three of the major crimes have been selected for the comparison, burglary, robbery, and auto stealing. In order to bring the comparison down to date, we have considered only the months of March and April for 1921, 1922 and 1923.

TOTAL CASES OF BURGLARY, ROBBERY AND AUTO STEALING REPORTED IN BUFFALO, DETROIT AND CLEVELAND IN MARCH AND APRIL, 1921, 1922 AND 1923

	Burglary			Robbery			Auto stealing		
	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland
1921............	177	61	227	18	45	181	184	569	476
1922............	100	137	191	18	74	132	283	612	287
1923............	76	49	88	31	71	39	393	591	291

PERCENTAGES OF CASES OF BURGLARY, ROBBERY AND AUTO STEALING IN BUFFALO, DETROIT AND CLEVELAND IN MARCH AND APRIL, 1921, 1922 AND 1923, WITH 1921 FIGURES AT 100 PER CENT

	Burglary			Robbery			Auto stealing		
	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland
1921............	100	100	100	100	100	100	100	100	100
1922............	56	224	84	100	164	73	154	107	60
1923............	43	80	39	172	158	21	214	104	61

Reduced to their simplest terms these statistics reveal the following comparisons:

REPORTED CASES OF BURGLARY, ROBBERY AND AUTO STEALING IN MARCH AND APRIL OF 1922 AND 1923 IN THREE CITIES, FOR EACH TEN CRIMES OF THESE SORTS REPORTED IN THE SAME MONTHS OF 1921

	Buffalo	Detroit	Cleveland
1921	10	10	10
1922	11	12	7
1923	13	9	5

In short, for every ten crimes of these kinds in these months in 1921 there were in the same months in Buffalo 11 in 1922 and 13 in 1923, in Detroit 12 in 1922 and 9 in 1923, while in Cleveland the number was reduced to 7 in 1922 and to only 5 in 1923.

It is only fair to caution the reader of these statistics that in reporting burglaries and robberies there are variations in the customs of cities and differences in the state statutes defining these crimes. But for the purpose for which these statistics are used here, that is showing the variation of the same crimes from year to year, they are quite reliable and adequate. Of the three cities considered Detroit probably still has the most satisfactory machinery for the administration of criminal justice. Following the establishment of its unified criminal court it enjoyed a considerable falling off in the number of major crimes, and since 1920 has had small and rather constant amount of crime. Upon this background Cleveland's improvement is most impressive.

JUSTICE SPEEDED UP

A still more valuable measure of the increased effectiveness of the administration of criminal justice in Cleveland since before the awakening of public interest is the relative speed with which criminal trials have been completed. It is a commonplace that slow justice is usually a denial of justice. In 1919 the average time in felony cases from arrest to final disposition was 67.8 days. In 1922 this time was cut to 48 days, a net gain of 30 per cent.

In this record of improvement there is much to illustrate a new tendency in public affairs which is not confined to Cleveland. Within the past few years there has been in many cities a fairly definite weakening of party power and responsibility. Moreover, local officials with multiplying duties and an increasing pressure of routine duties, with rare exceptions, find it difficult to plan and think sufficiently to exercise constructive leadership. The function of leadership thus passing from politicians and office holders has to an increasing degree been assumed by civic agencies privately supported. It is significant that the increased effectiveness of law enforcement in Cleveland has been achieved with practically the same officials in office, with few changes in the statutes, and with only minor administrative readjustments. It has come because the forces outside of officialdom have made it clear that the price of continued tenure is a real effort to apprehend and deal properly with professional criminals. Once more we have an illustration of the power of effectively organized and sustained public intelligence.

A REVOLUTION IN MORALS

THE CHANGED PUBLIC OPINION ON VICE

BY JAMES BRONSON REYNOLDS

President, American Institute of Criminal Law and Criminology

The introduction by a distinguished author to our series of articles on the municipal treatment of vice. :: :: :: :: ::

No single sign of Social Progress in the twentieth century is more encouraging than the advance in public morals. A quarter of a century ago, wide spread white slavery of a genuine sort existed; the belief that vice was inevitable and but slightly reducible by public effort was wide spread even among municipal reformers. In all the large cities of this country, tolerated vice paid tribute to the police, and often also to politicians and near statesmen. Women were trained to believe that they must not touch the subject; men were disinclined to do so; the better newspapers avoided reference to it in order that the homes which they entered might not be shocked and tainted, while the lower grade papers went as far as the police would permit, and farther than decency would admit in reporting salacious cases in the criminal courts. Every city had its red light district, and officials and good citizens joined in declaring that it was necessary to keep vice in its proper quarter to protect the virtue of the truly virtuous. A questionnaire issued to the chief police authorities in fifty leading cities in 1910 brought the opinion from forty-eight that a segregated district was necessary or desirable and the only restraint upon it should be health measures and efficient police service to prevent unusual acts of violence. The president of one of the largest universities in the country advised the police commissioner of a reform administration that toleration and segregation were the only safe methods for dealing with this difficult problem. These opinions were not unusual, but expressed the general view of the wise at that time.

The most difficult feature of the situation was the ignorance of the better element. The cynic, the man about town, and corrupt police officials were the only ones in possession of facts. Their most determined opponents were sentimentalists, who told exaggerated tales, manifestly untrue or of very exceptional occurrence. Hence, it was not surprising that the conflict between vice and morality was an unequal one.

Before stating the changes of the last twenty-five years, let us review in outline the history of this country in relation to this ancient evil. The history of vice is synchronous with that of crime in other fields, and its rise and growth vary with the varying economic and social conditions of this country.

I

Our first social period was the Colonial, covering our record until the War of the Revolution. Life was simple and wealth scarce. There was little money for light entertainment or self-

Ed. Note: This is the first of a series of articles upon the present attitude of the principal cities towards vice. Each subsequent article will be devoted to a single city.

indulgence. The city of the present day was unknown. The victims of vice and the scarlet woman were chance creations and probably largely of the class now reckoned as mentally defective. A notable instance of the sort is the female founder of the Jukes family, who was a half-witted servant girl in a cheap old-time inn. Immigration in the Colonial period undoubtedly contributed to debauchery. While some of the best of the Colonists left their homes for conscience's sake and "for the God their foes denied," not a few also left their country for their country's good. Among such, male and female offenders were perhaps of equal number. History records that shiploads of young women were several times sent to the Colonies to provide wives for the planters and farmers. Public authorities frequently took advantage of the opportunity to relieve themselves of the female scum of the community, who, once landed, did business after the manner of their kind.

The unloading by Europe of undesirable female emigrants, the natural and usual percentage of mental deficiency, both male and female, and the tendency of a certain number of low-grade inns in all countries and in all ages to become purveyors of vice, gradually produced disorderly houses known to the rough teamsters, who were the leading carriers of provisions and supplies in the Colonial period, and to such travelers and others as were inclined to frequent abodes of debauchery.

Public action was limited to the suppression of the above resorts when they were carried to the extent of becoming centers of violence, resorted to by thieves and other disorderly characters. But the conception of the responsibility of the state among the colonists envisaged only crimes of violence affecting property and the person, and did not in the least deal with problems of morals. An examination of the penal code of any of the colonies before the Revolution emphasizes the limited scope of the law and the extent to which every man did that which was right in his own eyes. We see, therefore, that the beginnings of the morals problem, and the development of its material were clearly in evidence, but that the problem itself had not taken shape as it existed in Europe, and as it came to be later in this country.

II

Our next period dates from the War of the Revolution to the end of the Civil War. In this, two thirds of the population still lived in the open country. Cities at first were few and small, but after 1830, with the beginnings of railroads and of the factory system, the suction power of cities began to be felt, and in the last half of the period, the morals problem in the city was a real one. The laws of the country were shaped by the strong individualistic independence of the farming class. Judges, prosecuting attorneys, and other restricting and restraining agents of law and order were regarded with suspicion, as the tools of tyranny. The fathers and grandfathers of the first two generations had applauded the French Revolution, and its kicking off of all restraint from higher authorities. Men with such an attitude of mind were not prepared to institute protective laws for an element, whose mental weaknesses and other grounds for a lack of self protective power were not understood. The new industrialism of the factory system was rapidly coming to be, but adequate factory laws for the simplest protection of physical health and economic well being were of slow development, and only achieved after a half century of strenuous conflict. The remoter problems of moral self defense of any single element inarticulate in proclaiming its needs were neither seen nor expressed.

We may quote as revealing the opinion of the time the statement of Dr. W. W. Sanger: "Few love to know the secret springs from which prostitution emanates; few are anxious to know how wide the stream extends; few have any desire to know the devastation it causes. . . . He, who does allude to the subject of prostitution in any other than a mysterious and whispered manner, must be prepared to meet the frowns and censure of society." The conclusions reached by Dr. Sanger, the most careful, most dispassionate, most thorough and most highly qualified student of vice in this country in the last century, also merit quotation. He says: "Stripped of the veil of secrecy which has enveloped it, there appears a vice arising from an inextinguishable natural impulse on the part of one sex, fostered by confiding weakness in the other; from social disabilities on one side, and social oppression on the other; from the wiles of the deceiver working upon unsuspecting credulity; and, finally, from the stern necessity to live."

Nevertheless, the morals problem of the city grew apace. The results of a single appraisal of moral conditions in this period may be cited: Dr. Sanger, who was then resident physician of Blackwell's Island, New York, made in 1857 the first serious study of vice conditions in any American city. He obtained the aid of the mayor, the chief of police and other health and police officers, and the results of a two years' statistical study were important and informing. The population of New York was 515,547 in 1850. As evidencing the suction power of the city, it may be noted, that of 762 prostitutes found in New York and born in the United States, 394 were from New York state, 71 from Massachusetts, 77 from Pennsylvania, 69 from New Jersey, 42 from Connecticut, and 24 from Maine. Six other states contributed more than five. The southern states altogether added 12 women, and the western states the same number. The writer notes that Maine with a population of 580,000 sent 24 women, while Virginia, with 1,421,000 contributed but nine. These states were about equidistant from New York. The statistician tries without confidence of success, to explain why Maine sent so disproportionate a number. His conclusion seems to be that the employment of females in manufacturing and sedentary occupations explains the easier exploitation of girls and women in the New England and the middle states, in comparison with the southern and western states, where the factory system was much less developed.

Instructive also, are the answers of 1,238 prostitutes to the question, "What induced you to emigrate to the United States?" That the search for economic well-being even at that time was beset with many pitfalls was suggested by the reply of 411, that they came to improve their condition. Only 91 came from causes likely to land them in vice. These were ill usage of parents, running away from home, and coming with their seducers. The educational condition of 2,000 reveals a higher grade of schooling than was shown by similar inquiries in the first decade of this century. Seven hundred and fourteen of the 2,000 could read and write well, and only 521 were uneducated. As to the cause of becoming prostitutes, out of 2,000, 525 claimed destitution, 513 admitted inclination, 258 seduction, 181 drink (this was before the Volstead act!), 164 ill treatment of relatives, and 134 desire for an easy life. As to previous occupations, the answers were not dissimilar to most canvasses of this class. Nearly one-half of 2,000 had been in domestic service; one quarter were living with their families or friends and three-fourths of the remainder were in factories or work-shops. While but few claimed to have entered prostitution solely because of necessity to earn a livelihood, over 1,000 stated that they were earning less than four dollars a week. In other words, starvation wages had been an important contributor to their downfall. It seems surprising, but is perhaps only to be taken as recognizing the large proportion of that element of the population, and the coarseness of the life in many cases that 440 of the 2,000 stated that their fathers were farmers. Less than 40 reported their fathers as belonging to the professional classes, while only 24 fathers were manufacturers, and 37 merchants.

Here certainly, was a full blown problem of morals, discreditable to the commercial capital of the new country, "conceived in liberty, and dedicated to the proposition, that all men are created equal." Orators of the period used to say "free and equal." Evidently, people are created neither free nor equal. Of all the creeping things that creep on the face of the earth, the human beast is the least free and the most and longest dependent, while equality does not exist in any sense even within the family circle.

The painstaking report of Dr. Sanger produced a profound impression and extended discussion, with only the limitation that the subject was tabooed as a topic for general consideration. But neither heredity nor environment were understood, and the inequalities of mental and emotional character were not appreciated by even the professional class.

The conditions revealed in New York in 1857 were similar to those which arose in other large cities in the country which developed from 1870 to 1900. Voices of protest began to be raised first by individuals, and then by the churches and a few organizations, but public officials had no standards and no conception of the problem, which promised or produced constructive results. Even municipal reformers were unwilling to touch it, and less willing to be involved in any alliance with the emotional advocates of suppression. Law givers, under pressure, passed laws, making prostitutes vagrants, and suppressing houses of prostitution, but such laws were defectively enforced for a quarter of a century, and used by the police mainly as a club to repress malefactors who became too ostentatious.

III

In the meantime, with the increasing intimacy of the relations between this country and Europe, the discussion of the problem then attracted attention in our own country. The earnest and brilliant speeches against the traffic in women of Josephine Butler in England, and the sensational exposures in London by William T. Stead in 1885 impressed Europe as well as England with the belief that a traffic as well as a vice was at issue. In 1889, under the leadership of William A. Coote of the National Vigilance Committee, an epoch making international conference was called in England. Able and representative people of many nations were present. Their testimony agreed that an international traffic existed, wide spread and sinister. Greed of gain was its motive, and the helplessness of the victims furnished the ground of exploitation. It was not a mere question of supply and demand, but one of a stimulated supply and demand from commercial agents, and corrupt officials in every country, and instances were not lacking, that even in the best governed countries, there were officials, who yielded to temptation. Not less startling was the fact established that the traffic was largely international, and that this characteristic was due to the further fact that by transportation to other lands, the victims of one country were reduced to a condition of helplessness, that made them veritable slaves of their masters. It therefore became evident that no one country alone could solve the problem, nor successfully attack the traffic. It was a world problem, as general human slavery had been before it.

Aroused by the unanimous protest of the delegates at the London Conference, in 1902, the French Government summoned a world congress of official representatives of different governments to meet in Paris. By them, a treaty was drafted, pledging the signers to common measures for the suppression of the international traffic, and the punishment of any found catering thereto. This treaty was ratified by nearly all the governments of Europe, except Turkey, and in 1906, by the American government. Both the London conference and the official congress in Paris demonstrated that America was involved in the traffic in women as well, and probably as much as Europe, and that the stream of emigration from Europe to America was polluted by the presence of procurers and their victims.

IV

America was further enlightened by the discoveries of medical science, the new science of public hygiene and the new body of educated social reformers. Thus, with the opening of the twentieth century, the time was ripe for a new movement of moral reform on a new basis and with the fullness of time, action was not delayed. The United States Congress in 1906 created a National Immigration Committee, which made an elaborate study of the whole problem of immigration. The importation of women for immoral purposes was carefully examined, and the conclusions reached were no less startling and stirring to the moral sense of this country than those previously established. The work of this committee led to the passage of two national laws, known as the Bennet and Mann laws. These enlisted the aid of the national government in the crusade, thus seriously undertaken by the entire resources of the national government.

Nor were state governments idle. The National Vigilance Committee, an organization formed to suppress commercialized vice, and official tolerance or regulation of it, drafted what became known as a State White Slave Law, which was rapidly adopted by all or nearly all the states of the Union. This was followed, a few years later, by an Injunction and Abatement Law. The former act aimed at the successful prosecution of procurers and promoters of vice, and the latter at the suppression of disorderly houses as a public nuisance. Meanwhile, grand juries in different parts of the country were conducting their own inquiries, and in every instance, rendered an uncompromising condemnation of the traffic in women and a demand for more strenuous official action for its suppression.

Cities also made an important contribution to the attack on entrenched vice. Municipal commissions were created to investigate moral conditions in Chicago, Minneapolis, Philadelphia, and a dozen other centers. These commissions were usually composed of women and men of the educated class which formerly had avoided combat with so disagreeable a topic. Their inquiries were sober and dispassionate. With no single exception their conclusions were that segregated districts did not segregate prostitution, that toleration did not reduce the evil nor protect virtuous women, but that on the contrary the removal of "red lights" districts in a city tended to reduce vice in other sections.

One further potent influence is to be recorded. When the World War began, the American government, on entering the conflict, resolved that its soldiers should not be debauched as had been the soldiers of certain other countries, in shocking numbers during the first two years of the war. It had been the habit of all countries in the war, to consider that the practice of vice was inevitable or necessary for a large percentage of their soldiers, and to make little if any effort to prevent the practice, and very little successful effort to reduce the evil effects of it among their soldiers. The American government, both civil and military, grappled with the problem, on the assumption that vice was not necessary, and that the volume of it could be reduced. Recreative substitutes were provided, and strong prohibitive measures adopted. Particular attention was directed to the training camps in this country, and especially able officers were appointed, who conducted relentless warfare against all denizens and abodes of vice, within reach of army camps. These efforts strengthened the rising tide of determination throughout the country, that all toleration and segregation of commercialized vice must go, and promoted an uncompromising warfare against commercialized vice.

One cannot review the history of the vice problem and the public attitude toward it, without being profoundly impressed by the development of public sentiment relating to it along with the development of the evil itself. The toleration of commercialized vice is to-day advocated only by those ignorant of the studies of the subject during the last twenty-five years, and of the unanimous conclusions reached by official and unofficial commissions, grand juries, and civic bodies. To the conclusions thus reached, there has been no reply or denial by any governmental body, or civic organization, nor any seriously considered protest over the signatures of citizens of any country. The verdict of civilization, which forty years ago would have been that commercialized vice was inevitable and could only be regulated, and thereby slightly reduced, to-day is practically unanimous that society must conduct eternal warfare against its promoters, whatever be their relations to it.

One of the admitted services of the League of Nations has been its vigorous promotion of joint action against international commerce in women by all the fifty-two nations, which constitute its members. Even our own lagging country has ventured to take an official share in such action. Is it too much to believe that one more form of human slavery is doomed, and that it will only continue in uncivilized portions of the earth? "Fondly do we hope, fervently do we pray," that this belief will be justified.

ADMINISTRATIVE REORGANIZATION IN TENNESSEE

BY A. E. BUCK

New York Bureau of Municipal Research

Tennessee has broken the "Solid South" by the adoption of an administrative consolidation plan, the simplest which any state has yet accepted. Ousted officeholders contested the measure in the courts, providing the first occasion upon which the constitutional principles of consolidation have been judicially tested. :: :: :: ::

TENNESSEE now enjoys the distinction of being the first southern state to reorganize her administration. In this reorganization she has gone even further than the states in other sections of the country toward setting up a simple, direct, responsible government. This is due, in a measure, to the lack of detailed provisions in the state constitution relative to administrative organization. The governor is the only elective constitutional officer. There is no lieutenant governor; the speaker of the senate succeeds the governor in case his office becomes vacant. The only other constitutional administrative officers, besides the governor, are the secretary of state, the comptroller, the treasurer, the attorney general, and the adjutant general. The first three of these are appointed by the legislature, the fourth by the supreme court, and the fifth by the governor. Thus, complete reorganization of the state's activities was hampered by few constitutional restrictions.

STEPS TOWARD REORGANIZATION

Back in 1921 some citizens of Nashville became interested in administrative reorganization, and provided for a brief study of the existing organization of the state government. This resulted in the introduction in the 1921 legislature of a bill providing for a plan of consolidation, but it failed to get any serious consideration on the part of the legislature. However, this beginning coupled with the general financial condition of the state served to make reorganization an issue in the following gubernatorial campaign, which resulted in the election of Governor Austin Peay in November, 1922. At this time, the writer had about finished a survey of the various offices, boards, departments and agencies of the state government for the Nashville Chamber of Commerce. It was the intention of the Chamber to distribute a report on this survey over the state and to assist in securing the adoption of a plan of state reorganization. During the campaign, Governor Peay had pledged himself, among other things, to a reorganization of the administrative system of the state looking to economy and efficiency. Immediately after his election the Chamber of Commerce agreed to turn over the information gathered in the survey to Governor Peay. Thereupon the writer went to the governor's home at Clarksville and assisted him in drafting into a bill the reorganization plan and also in working out a budget to carry on the work of the new organization. Subsequently, during the legislative session, the writer assisted the legislative committees in working out further legislation and aided the governor in the installation of the new system of administration after its adoption.

LEADERSHIP OF GOVERNOR PEAY

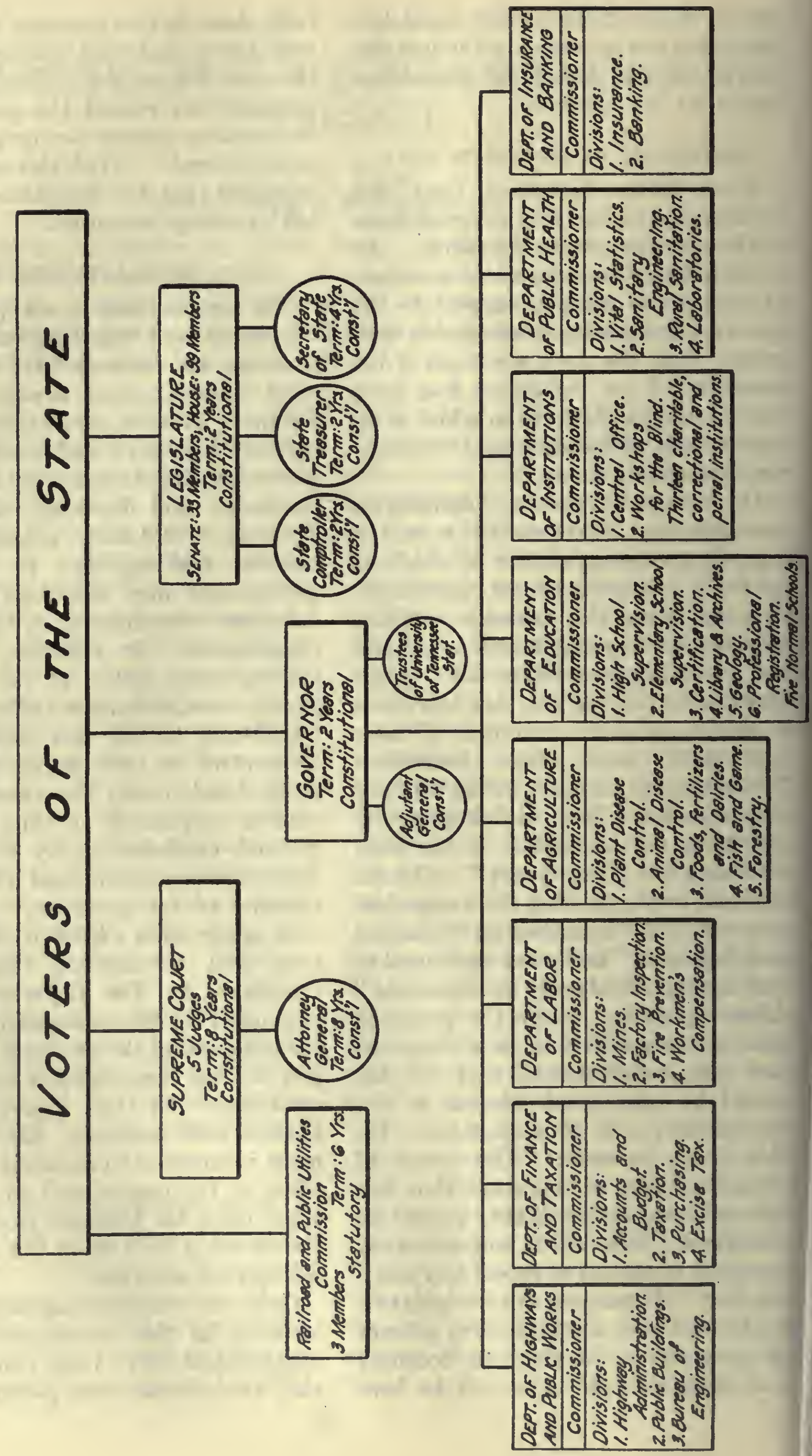
Even before Governor Peay was inaugurated he had won the confidence of the members of the legislature. An overwhelming majority of the members of each house pledged support to the governor in putting through his program. Like the governor, most of the members of the legislature had been elected upon a platform in which state issues, such as taxation and retrenchment, were paramount.

On January 17, the day following his inauguration, Governor Peay sent a message to the legislature in which he outlined his program of legislation. Accompanying this message was the administrative reorganization bill and the general appropriation bill. In his message he pointed out that there was a deficit in state accounts of over $2,500,000, and then remarked: "Something is radically wrong with our system when a large deficit annually results in our accounts. It has been occurring for fifteen years." This he ascribed to the existing state organization which he described as "headless and disjointed" and what amounted to "an assortment of petty governments." After explaining briefly the proposed plan of reorganization, he anticipated that the constitutionality of the bill would be questioned because it disturbed the tenure of officeholders. On this point he said: "The terms of officials so vary in this state, that this reform is impossible, if they cannot be disturbed. This bill is not primarily intended to amend or repeal any existing law. Its purpose is to originate a broad and new administrative scheme in government to promote economy and efficiency. If it cannot be lawfully done in this manner, we had as well know that fact and resign ourselves to bankruptcy. The state government has passed the point where the present system can be judiciously administered." With this explanation he asked that the legislature give the bill its prompt attention.

THE REORGANIZATION PLAN

The reorganization act passed the legislature and was approved by the governor on January 31. It created eight administrative departments, as follows: Finance and taxation, agriculture, highways and public works, education, institutions, public health, insurance and banking, and labor. Forty-nine statutory offices, boards, bureaus and agencies of the state government were abolished and their functions consolidated in these eight departments. In addition, some of the statutory duties of the constitutional administrative officers were transferred to the new departments. In control of each department is a single head, called the commissioner, who is appointed by the governor without confirmation by the senate. These commissioners hold office at the pleasure of the governor. Their salaries range from $4,000 to $5,000 per year. All subordinate officers and employees in the departments are appointed by the commissioners, with the approval of the governor, and subject to the employment regulations established by the department of finance and taxation. Each department is required to maintain a central office at the capitol and to keep this office open for business from 8.30 in the morning to 4.30 in the afternoon during each week day.

Only one statutory agency was not included in the reorganization plan which might have been consolidated, viz., the railroad and public utilities



TENNESSEE

ORGANIZATION OF STATE GOVERNMENT UNDER THE REORGANIZATION ACT OF 1923

VOTERS OF THE STATE
SUPREME COURT 5 Judges Term: 8 Years Constitutional
Attorney General Term: 8 Yrs. Const'l
Railroad and Public Utilities Commission 3 Members Term: 6 Yrs. Statutory
GOVERNOR Term: 2 Years Constitutional
Adjutant General Const'l
Trustees of University of Tennessee Stat.
LEGISLATURE Senate: 33 Members; House: 99 Members Term: 2 Years Constitutional
State Comptroller Term: 2 Yrs. Const'l
State Treasurer Term: 2 Yrs. Const'l
Secretary of State Term: 4 Yrs. Const'l
DEPT. OF HIGHWAYS AND PUBLIC WORKS
Commissioner
Divisions: 1. Highway Administration. 2. Public Buildings. 3. Bureau of Engineering.
DEPT. OF FINANCE AND TAXATION
Commissioner
Divisions: 1. Accounts and Budget. 2. Taxation. 3. Purchasing. 4. Excise Tax.
DEPARTMENT OF LABOR
Commissioner
Divisions: 1. Mines. 2. Factory Inspection. 3. Fire Prevention. 4. Workmen's Compensation.
DEPARTMENT OF AGRICULTURE
Commissioner
Divisions: 1. Plant Disease Control. 2. Animal Disease Control. 3. Foods, Fertilizers and Dairies. 4. Fish and Game. 5. Forestry.
DEPARTMENT OF EDUCATION
Commissioner
Divisions: 1. High School Supervision. 2. Elementary School Supervision. 3. Certification. 4. Library & Archives. 5. Geology. 6. Professional Registration. Five Normal Schools.
DEPARTMENT OF INSTITUTIONS
Commissioner
Divisions: 1. Central Office. 2. Workshops for the Blind. Thirteen charitable, correctional and penal institutions.
DEPARTMENT OF PUBLIC HEALTH
Commissioner
Divisions: 1. Vital Statistics. 2. Sanitary Engineering. 3. Rural Sanitation. 4. Laboratories.
DEPT. OF INSURANCE AND BANKING
Commissioner
Divisions: 1. Insurance. 2. Banking.

commission. At the time the legislature was in session, there was wide difference of opinion in the state as to what the scope of the powers of this commission should be, especially with reference to the regulation of local utilities. Undoubtedly, a change in the organization and duties of this commission will be made the next time the legislature meets.

THE NEW DEPARTMENTS AND THEIR ACTIVITIES

A glance at the accompanying chart will give the reader an idea of the internal organization of the various departments and the general distribution of the activities. Each division is headed by a single officer, called in most cases a superintendent.

The department of finance and taxation is the hub of the administrative wheel. It has supervisory control over all the expenditures and collections of the state government. It keeps the central accounts covering the state's fiscal operations. It controls the purchase of all supplies, materials, equipment and services for the state departments and offices. It gathers the information and prepares the state budget for the governor, who passes upon it and presents it to the legislature. It classifies employees in the different departments and institutions and regulates the disposition of office forces when not operating to the best advantage. It regulates and equalizes the assessment of general property for taxation, assesses and collects inheritance taxes, and issues motor vehicle licenses. The administration of the excise tax on corporations and the supervision of the gasoline tax, taxes authorized by the 1923 legislature, are also placed under this department. The general property equalization and the adjustment of inheritance taxes are functions of the department of finance and taxation which are finally passed on by a board consisting of the head of the department, the head of the division of taxation, the governor, the treasurer, and the secretary of state. The state funding board and the Confederate pension board are both associated with the department of finance and taxation for purposes of administration.

The department of agriculture is concerned with the control of plant and animal diseases, the inspection of foods, feeds, seeds, fertilizers, and dairies, the enforcement of fish and game regulations, and the preservation of forests. Two advisory, non-paid boards are provided for in connection with the work of this department, one on forest conservation and the other on fish and game. By an act passed after the reorganization act the legislature abolished the board of fair trustees and placed the supervision of the distribution of state money for fair purposes under the department of agriculture.

The department of highways and public works has charge of the construction and maintenance of the state highway system, enforces traffic regulations, supervises the erection of public buildings, provides plans for institutional development, and exercises general custodial supervision over the capitol buildings and grounds and other public property.

The department of education supervises the elementary and high school work of the state. This department also includes the state library and archives, the traveling libraries, the state land records, and the geological work. It has supervision over the records of the thirteen state boards that conduct examinations for licenses in the various trades and professions. The state board of education, of which the head of the department is chairman, is associated with the department and supervises the administration of the five state normals and the federal funds for vocational purposes. The financial supervision of the normals, however, is under the department of finance and taxation.

The department of institutions has charge of what are commonly termed the public welfare activities and institutions of the state. Under it are thirteen charitable, correctional, and penal institutions, and the workshops for the blind. The department of health has under its supervision all of the public health activities of the state. The governor may appoint a non-paid, advisory council of five members to serve in connection with this department. The department of insurance and banking regulates insurance companies, supervises building and loan associations, examines banks, and regulates investment companies (blue sky). The department of labor is charged with the inspection of mines, factories, workshops, and hotels, the enforcement of fire prevention regulations, and the administration of the workmen's compensation and child labor laws.

SOME DISTINCTIVE FEATURES OF THE PLAN

Under the organization briefly outlined above, the governor has been made responsible for the administration of the state government to a degree not attained so far by any other state reorganization. Excepting the limited amount of administrative work that falls to the other constitutional officers, the governor has complete control over the administrative activities of the state government. This does not mean, however, that the governor can become an autocrat in his office, for he must give a complete account of his administration to the legislature and he is at all times responsible directly to the people of the state. If his administration is a failure, the people know who is to blame. The governor can no longer make plausible excuses for his failure to get results, or hide behind the complicated and disjointed machinery of administration.

The governor is required to submit to the legislature a budget, covering the expenditure needs of the state government and the means of financing these needs. This information will be made public and will be one of the best means of checking up the success or failure of the administration. After appropriations have been made by the legislature, the centralized administration will insure that all expenditures will be made economically and that deficits will not be incurred.

This plan practically eliminates boards from all administrative work of the departments and from all quasi-judicial and quasi-legislative work, as well, of the departments. The administration and direction of such functions as taxation, workmen's compensation, blue sky regulation, child labor enforcement, health, institutions, highways, and education are in the hands of single individuals. This leaves no doubt as to responsibility for action or inaction, and serves to expedite the state's business.

OPPONENTS APPEAL TO THE COURTS—TEMPORARY RESTRAINING ORDER GRANTED

In Tennessee the fight against the reorganization plan was not made in the legislature, as has been the case in most of the states, but in the courts. On February 1, the day the reorganization act went into operation, certain ousted officials, namely, the members of the highway commission, the tax commissioner, the members of the state board of equalization, and the warden of the state penitentiary, sought an injunction preventing the reorganization act from taking effect with reference to their offices. A temporary injunction was granted the same day by Chancellor John R. Aust, and a hearing was set for February 9, on which day arguments were heard and the chancellor took the cases under advisement. In the three bills filed with the chancellor, which were consolidated by agreement at the time of the hearing, the complainants charged (1) that the reorganization act was void because it did not conform to certain provisions of the constitution as to form, (2) that it delegated legislative and judicial powers to the executive and was therefore in conflict with the constitutional separation of powers, (3) that there was irregularity in the passage of the act by the legislature, (4) that the act deprived the complainants of their offices, but did not abolish these offices—merely changing the names, (5) that there were numerous incongruities in the act, and (6) that the plan would not promote economy or efficiency in the administration of state affairs.

INJUNCTION DENIED BY CHANCELLOR

On February 12, Chancellor Aust handed down an opinion in which he refused to grant the complainants an injunction and upheld the constitutionality of the reorganization act in all its provisions, except section 14, relating to the power of the legislature to appropriate funds. He held that the title of the act was single in purpose and yet sufficiently broad to admit of all legislation tending to the reorganization of the state government, and that it was unnecessary to recite in the title the caption or substance of all the laws repealed or amended by the act. He held that while the right to hold a public office was a species of property, it did not entitle the officer to the compensation as under a contract, but that the person took the office subject to the authority of the creating power to change the compensation or discontinue the office. He held that the final passage of the act by the house was regular and that it complied with the provisions of the constitution. The other charges he considered briefly and dismissed as being without weight in the determination of the case.

Immediately following denial of the injunction by the chancellor an appeal to the supreme court of the state was granted the complainants, but the new departments were permitted to take over the work of the contested offices at once, which was done.

CASE BEFORE THE STATE SUPREME COURT

The case against the reorganization act came up and was argued before the supreme court on March 15 and 16. The attorneys for the appellants submitted to the court a printed brief of 95 pages in which they outlined and assigned as errors the charges in the original bills for injunction and argued at length, citing numerous court decisions, in support of these charges. In conclusion this brief says: "If this act is held to be constitutional, the next legislature can pass a more radical law. The state will be continually reorganized. It can be ripped fore and aft, from one end to the other, and from one administration to another, and no one can view with complacency what the end will be. . . . The backers of this radical legislation have drawn inspiration from the unrest of the people occasioned by times that have been extraordinary."

The attorneys for the defendants presented to the court a printed brief of 40 pages in which they answered the arguments of the attorneys for the appellants, and concluded as follows: "The act under consideration is more distinctly and clearly an act to establish a new system or scheme of government than any act of the legislature within the past half century. . . . There is nothing radical or revolutionary about this act. . . . The legislature made the laws that this act undertakes to change. The changes are entirely within its power to make, and always have been. The only question at all is whether the benefits of the act shall be postponed until the expiration of the terms of certain subordinate officers. That is what the fight is over. . . . The principle sought to be given effect in this act is fundamentally a sound one. It reinstates the governor as the head of the state's business affairs. We cannot very well do worse than we have in the past. The new system is not a selfish one. . . . It is at least worth trying."

DECISION OF THE SUPREME COURT

On March 31, the state supreme court delivered an opinion in which it upheld the constitutional validity of the reorganization act. This opinion should be of special interest, since it is the first time a case involving the principles of a state reorganization plan has been tested in the courts. The reorganization acts of Ohio and Washington were before the courts, but only on the point of the constitutionality of the use of the emergency clause.

The opinion of the supreme court (*House* vs. *Creveling*, 250 S. W. Reporter) on the different charges was briefly as follows:

1. Upon the charge that the act violates certain provisions of the constitution as to form, the court held that the act relates entirely to one subject, namely, the reorganization of the state administration. This is made perfectly clear from reading the caption. The contents of the act, therefore, are not broader than the caption. Where an act proposes to repeal or amend several laws relating to one subject, it is not necessary for it to recite the title or substance of each previous law in the caption. This would have made the caption as voluminous almost as the body of the act.

2. Upon the charge that the act delegates legislative and judicial powers to the executive in conflict with the constitution, the court said: "The fact that certain limited judicial and legislative powers are conferred upon executive officers does not change their status as such officers, nor is it inappropriate or beyond the scope of a statute dealing with executive officers to confer such powers."

3. Upon the charge that there was irregularity in the passage of the act by the legislature, the court stated that it found no evidence on the journal that the bill was not properly submitted for final passage in the house after it was returned to that body with the senate amendments. Although the aye and no vote was not recorded on the final passage of the bill, the court did not presume from the mere silence of the journal that the provisions of the constitution had been disregarded.

4. Upon the charge that the act deprived the complainants of their offices without abolishing the offices, the court, after citing a number of Tennessee cases, stated that it was now established law that the legislature may abolish an old plan of government and the offices created for the administration of the old plan. "The rights of the officers thus affected must give way to what the legislature conceives to be the public interest. This, of course, assumes the change in form of govern-

ment to be real and not colorable for the purpose of putting one set of men out of office and another set in office." Unless offices can be abolished, it would be impossible to put a new scheme of government into effect. "There are particular services that must be rendered by some one in any form of government and a new system cannot be stricken down because it proposes to continue to discharge essential duties. Old offices may be abolished, not only when their functions become useless, but when, as constituted, they do not fit into the new scheme." This act inaugurates a new régime. Hereafter, the administration is to be one of centralized power, the governor controlling. Officials, such as the complainants, "otherwise selected than by the governor, not amenable to him, independent of his wishes, with tenures fixed, and broad powers conferred by statute are out of place in the plan adopted. They could defeat the governor's most cherished purpose."

5. Upon the charge that the act contains incongruous matter, the court stated that this was largely a question of fact to be determined by its knowledge of affairs. After a thorough examination of the act the court said: "Its provisions are germane to the title and not incongruous with each other."

6. Upon the charge that the plan does not promote economy and efficiency in administration, the court stated that this question had no bearing on the constitutionality of the act, and declined to go into it. On this point, the chancellor had said in his opinion: "If such charge be true, this appeal should have been made to the legislature, and not to the courts. . . . Courts have no veto over the exercise of lawful power by the legislature, nor can they arrest the execution of a statute even though it could be shown it was unwise, harmful and uneconomical."

On the general principle of centralized executive responsibility upon which the reorganization plan is based, the court said in the conclusion of its opinion: "Since in our opinion it (the plan) deals alone with the duties and functions essentially executive, the centralization of powers does not offend the constitution. All these powers might have been conferred on the governor individually, and he might have been directly charged with their execution had the legislature deemed it feasible and best so to do."

The court acquiesced in the opinion of the chancellor that section 14 of the act was invalid and elided it from the statute.

REDUCTION IN THE COST OF THE STATE GOVERNMENT

Since the Tennessee reorganization plan has been in operation only a short time at this writing, it is not yet possible to show the actual economies that will be made by the application of the business methods instituted by the new system. But it is possible at this time to compare the appropriations made by the 1923 legislature to run the government for the biennium of 1923–1925 with the actual operating expenditures of the old government for the last biennium of 1920–1922. This comparison shows a total reduction in the operating costs of the state government for the next biennial period of $1,547,200. Of this amount, $147,500 is the result of economies on the part of the 1923 legislature, and $177,750 is an estimated reduction in the cost of operating the state judicial system. When these two items have been deducted from the total reduction, there remains $1,221,950, which amount is a reduction in the administrative or departmental cost of the state government. This latter amount is the direct result of Governor Peay's program of administrative reorganization and retrenchment. In making this reduction all estimates were carefully scrutinized by the governor, who made recommendations to and even worked with the appropriation committees of the legislature, and no worth-while activities of the state were discontinued or hampered by the reduction. According to custom, two appropriation bills were passed by the legislature—a general appropriation bill early in the session and a miscellaneous appropriation bill near the end of the session. All continuing appropriations were repealed by the miscellaneous appropriation bill and definite appropriations were made for the state normals and certain activities of the department of education, which had hitherto been supported by a fixed percentage of the general education funds. All special mill levies, except one for the state university and one for the common schools, were repealed by the legislature, and the state tax rate was reduced from 36 cents to 30 cents on the hundred dollars. Sufficient surplus has recently accumulated in the state treasury to enable the administration to pay off one million dollars of the present deficit. It is expected that the state government will soon be on a sound financial basis and running in a business-like way.

OUR LEGISLATIVE MILLS

III. WISCONSIN

BY WALTER THOMPSON
University of Wisconsin

A keen study of a legislature which has led the way in many reforms of procedure but now suffers for lack of party organization and leadership. Nothing has yet appeared to fill the place of the old-fashioned boss. :: :: :: :: :: :: :: :: :: ::

THE Wisconsin legislature of 1923 was a disappointment. It was a disappointment to those who expected great things from it, a disappointment to those who anticipated radical departures, a disappointment to the members themselves. This is not merely the opinion of an observer. One had only to visit a session in either house and listen to the assertions of the tired members to have this conclusion affirmed. "We are wasting our time with trivial matters; why can't we get together and do something?" This question was repeatedly asked in the early debates last January. After long months the members asked the same question. Either house presented a picture of a parliamentary body composed of relatively competent men, and well equipped with the necessary agencies to expedite lawmaking, but lacking that unity, organization, and leadership without which constructive legislation is extremely difficult.

ORGANIZATION OF THE LEGISLATURE

The constitution of Wisconsin provides that the assembly shall be composed of not less than fifty-four and not more than a hundred members, and that the number of senators shall not be less than a fourth nor more than a third of the number of assemblymen. The experience of Wisconsin has been similar to that of other states in that the two chambers have become as large as the constitution permits. The present assembly is composed of a hundred members, and the senate is made up of thirty-three.

Not a few academic students of political science, as well as men actually engaged in legislation, have suggested the abandonment of the bi-cameral system and the establishment of a single chamber which would be smaller and more adaptable for the enactment of law. These men have urged that there are really no distinctive interests represented in either of the chambers, and that the check and balance system is unnecessary to safeguard individual rights and tends to retard legislation by furnishing an opportunity for controversies and deadlocks. Be this as it may, the last session in Wisconsin gave little evidence of any intention of abandoning or even modifying the bi-cameral system. A resolution passed the assembly which provided for a joint committee to report on changes in the joint rules relative to joint committee hearings. This might have been a step in the direction of joint committee hearings, but the resolution was not concurred in by the senate. Under the present organization, the joint committee on finance is the only joint standing committee. Each chamber maintains its own committee organization and operates independently of the other.

On the whole, the bi-cameral system appears to have justified itself in the present legislature. This does not mean that there have not been different views prevailing in the two chambers with the result that there have been controversies and deadlocks. There have been differences and the result is that legislation has been impeded. Paradoxical as it may seem, it is in this fact that the bi-cameral system is justified. The checking of hasty and unwise legislation is as important as the enactment of laws. No one can seriously argue that the capacity of American legislatures for turning out laws is too limited and should be enlarged. Our legislatures are enacting too many laws rather than too few, and quality rather than quantity should be the standard in judging legislative efficiency. If the bi-cameral system tends to improve the legislative output, if it tends to check unwise legislation, and if it tends to foster enactments more in conformity with the public demand and more conducive to the general welfare, then it is justifying itself. It is idle to urge a speeding up of the legislative machinery at the possible expense of the quality of the legislative output. It is equally foolish to urge the avoidance of conflicts as a panacea in legislative procedure. Conflicts and honest compromises are the very essence of legislation.

During the legislative session of 1921 I happened to meet one of the senators. I asked him about the progress in the legislature and he jokingly replied: "Everything is going lovely. What we pass the assembly rejects, what the assembly passes we reject, and what we both pass the governor vetoes. We haven't done any damage yet." Had the senator spoken seriously he would probably not have stated the case so strongly, but his statement nevertheless is illustrative of what may happen under the bi-cameral system when there is a failure to agree. But when the importance of avoiding hasty and unwise legislation is contemplated, it becomes obvious that obstructive practices may have a salutary effect.

SENATE PROVIDES CONSERVATIVE BALANCE

Due to the agitated state of the public mind in Wisconsin, the senate has perhaps saved us from some unwise legislation. The Middle West, and notably Wisconsin, during the last two years has experienced a state of social unrest. This is probably due to economic readjustments made necessary after the war. A large proportion of the people are dissatisfied with existing conditions. They cannot point with exactness to the source of their grievance or suggest specific methods of relief. There has been a spirit of resentment against things as they are. The reaction has been emotional rather than rational, and present indications seem to be that it is temporary rather than permanent. During the summer of 1922 the dissatisfaction was at its height. Naturally it was reflected in the type of men elected to the assembly. Those who win public approval in times of agitation are not the moderate, matter-of-fact, and cautious. Those who can voice the sentiment of classes who feel themselves oppressed, receive the endorsement of those classes. The present assembly, to a greater degree than the senate, has reflected the spirit of 1922. It is questionable if this is a reflection of the real public opinion of the state. It may represent rather a passing sentiment. The senate, on the other hand, elected for a longer period, seems to have maintained a sense of proportion and balance which the assembly has sometimes lacked. The result has been that when the assembly has acted hastily, as in passing an act abolishing the national guard, more sober judgment has prevailed in the senate. The senate has, of course, also been influenced by the prevalent social unrest, but half of its members were elected in 1920 at a time when the popular agitation was less marked. This body therefore probably represents the real public opinion of the state more accurately than the assembly and is less apt to be influenced by a momentary sentiment. However, if there is a real demand for a reform it seems to receive the endorsement of the senate as well as of the assembly. There is thus a combination of a body representing immediate interests and a smaller body assuming a more detached and sober attitude. The arrangement is not entirely satisfactory, but after observing the legislature for several months, one would hesitate to advocate the abandonment of the bi-cameral system.

NOTABLE COMMITTEE SYSTEM—ELECTRIC VOTING

The committee system of the Wisconsin legislature is relatively simple. In the assembly there are twenty-three standing committees, some of which are obsolete. In size these committees range from three to eleven members. In the senate there are only nine standing committees ranging in size from three to seven members. In neither house does a member serve on more than two committees and many serve on only one.

Committee hearings are public and listed on a special calendar. Records of committee hearings are required to be kept. All bills referred to a committee in either house must be reported out of committee and finally disposed of on the floor of the respective chambers after the majority and minority reports of the committee are in the hands of the members of the house. This insures full publicity of committee proceedings, and no bill is relegated to the wastebasket in the committee room. Every measure receives consideration on the floor of at least one of the chambers. By the end of May in the present session there had been introduced more than fourteen hundred bills and resolutions. Five hundred and forty-three of these measures were introduced in the senate; eight hundred and eighty-eight in the assembly. These measures cannot be finally disposed of by the committees. All must be reported back to the respective chambers for final action. It would probably be impossible to act on such a mass of legislation if the assembly were not equipped with an electrical voting device. By using this mechanism very little time is required for a roll call. The legislator merely presses a button and his vote is registered in view of the whole house. "Aye" is registered by a white light, "No" by a red one. The vote is also recorded on the speaker's desk, and the result is immediately announced. The whole procedure takes but a fraction of a minute. I was seated in the gallery of the assembly during a busy hour in that chamber. Watch in hand, I timed the proceedings. Seven roll calls were demanded and taken, three votes were taken without a roll call, and two amendments were read and adopted. The time required for these proceedings was less than ten minutes. To appreciate the saving realized by the use of the electrical voting machine one has but to consider the time required for a clerk to call the roll of a hundred members.

THE LOBBY REGULATED

Since lobbying in Wisconsin is by law practically limited to appearing before legislative committees, a discussion of the committee system should perhaps contain a word about these regulations. Unfortunately the word "lobby" has become associated with sinister and corrupt influences. For this reason, many well-meaning people have urged the abolition of the practice without considering the effect of such a move upon democratic institutions. The permission of lobbying is necessary for the maintenance of free and democratic government. A citizen in a democracy surely has a right to go to his legislature to secure legislation which is favorable to him, or to discourage the enactment of measures which he deems detrimental. A denial of that right is a blow at democracy, and still when the citizen exercises it he is engaged in lobbying. The practice therefore cannot be abolished, but due to the fact that some persons unscrupulously abuse a right, it has to be regulated.

In Wisconsin all lobbyists representing private interests are required to be registered with the secretary of state. They are registered either as legislative counsels or legislative agents. This registry shows the interests represented by the counsel or agent and the legislation in which he is interested. A legislative counsel or agent cannot appear before a committee unless he is registered. He is also forbidden to appear on the floor of either house, and it is unlawful for him to try to influence individual members privately. This system, while not entirely satisfactory, appears to be a workable solution. The only thing of interest in connection with lobbying that has developed during the present session has been in connection with lobbying by some of the state administrative personnel. During the early days of the session it was charged both by the governor and by members of the legislature that certain administrative officials were seeking to influence legislation by appearing in the legislative chambers and by personal contact with the legislators. A resolution was introduced in the senate to discourage the practice, but was later rejected as unnecessary.

THE LEGISLATIVE REFERENCE LIBRARY

No study of the Wisconsin legislature would be complete without mention of the Wisconsin legislative reference library and its activities. Started by Dr. Charles McCarthy more than twenty years ago, it has served as a model for similar agencies in other states. The institution is at present under the able direction of E. E. Witte. By a careful and systematic collection and arrangement of material, this library has become a storehouse of ready information for the busy legislator. The personnel of this department have held their positions for years and naturally have accumulated a marvelous amount of information on subjects of interest to a legislator. They are at the service of the legislators, and their services are constantly in demand.

The legislative drafting department is attached to the legislative reference library and is under the direction of the librarian. During the recent session four attorneys were employed and devoted full time to the drafting of statutes. Mr. Witte, the librarian, has also devoted considerable time to this phase of his department. Devoting all their time to this kind of work, these draftsmen become experts. This is recognized by the legislators and practically all bills go through the drafting department. Even if a legislator has fully drafted a bill which he wishes to introduce, or if he has received a drafted bill from a constituent, he will usually refer it to the drafting department for improvement in technical form. As a rule only simple changes, such as striking out a figure and inserting another in an appropriation bill or framing a simple amendment, are attempted in the legislative chambers without the assistance of the drafting department. The assembly committees for the improvement of the technical form of bills, such as the committees on engrossed bills, enrolled bills, revision, and third reading are obsolete. Such committees do not exist in the senate. In both houses this work is done by clerks, but in the assembly these committees theoretically function, bills are referred to them, and the clerks in reporting out the measures sign the name of the appropriate chairman.

The drafting department of the reference library is concerned only with the individual bills to be drawn up during a legislative session. The whole body of the statute law of the state comes again under the scrutiny of the revisor of statutes. This office was created in 1909. The revisor is appointed by the trustees of the state library and is not connected with the legislative reference library. His duties are "to formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws. . . ."[1] A compilation of the revised statutes is issued every two years. These compilations are systematically arranged and contain the whole body of the statute law brought up to date. Wisconsin is thus fortunate in having expert service both in the drafting and in the revision of the statutes. This service is reflected in the form of the law. The statutes are remarkably clear, brief, and conveniently arranged.

[1] Wisconsin Statutes, Sec. 43.07 and 43.08.

NO LIMIT ON LENGTH OF SESSIONS

Finally, in considering the organization of the legislature, something should be said about the duration of the legislative session. There is no constitutional limit on the length of the session in Wisconsin. Legislators are paid $500 per term and receive mileage to and from the capital. They can remain in session a week or two years, but their pay is the same. During the nineties the usual duration of a legislative session was about a hundred days. Beginning with the present century, there was a gradual increase. In 1905 there was a notable increase, the session lasting a hundred and sixty-three days while the session of 1903 lasted only a hundred and thirty days. The tendency since 1905 is shown by the following table:

DURATION OF SESSION AND AMOUNT OF LEGISLATION, 1905–1923

Year	Length of session in calendar days	No. measures passed	
		Bills	Joint resolutions
1905	163 days	523	16
1907	189 "	676	40
1909	156 "	550	60
1911	185 "	665	79
1913	213 "	778	45
1915	223 "	637	34
1917	187 "	679	36
1919	203 "	703	23
1921	184 "	591	61
1923	....	...	..

The unlimited session has its disadvantages as well as its advantages. Feeling that they have unlimited time at their disposal, legislators are tempted to indulge in dilatory practices and give attention to inconsequential matters in a manner which would not be possible if the session were terminated on a definite date. During the first three months of the recent session very little of importance was accomplished. Much time was wasted in discussing irrelevant matters. The assembly spent considerable time and energy in trying to declare Eugene Debs a Christian gentleman by legislative action. This is not intended to cast any aspersions upon the character of Mr. Debs, many of whose qualities are admirable. But it hardly seems probable that the people of Wisconsin are greatly concerned either about his gentility or his Christianity. The senate spent hours and days indulging in nonsensical practices to postpone action on the tax bills endorsed by the administration. The joint resolutions introduced in the two houses touch on a variety of subjects ranging from the "French invasion of the Ruhr" to "undemocratic social functions at the university." The Eighteenth Amendment and the Volstead Act are exceeded perhaps only by the birthday felicitations in the number of resolutions which they have inspired; and national prohibition, being a more controversial subject than birthdays, the resolutions dealing with it have required more time. Birthday greetings are read and adopted; resolutions dealing with prohibition are read and debated.

MERITS OUTWEIGH DISADVANTAGES

But while it is reasonable to assume that the unlimited session encourages delay, it nevertheless has its merits, and these probably outweigh the disadvantages. Due to the growing complexities of modern life, state legislatures have to face more and more problems. The table above shows that, not only has the length of the session increased, but there has been a marked increase in the number of bills enacted. From 1890 to 1905 no Wisconsin legislature enacted more than five hundred laws. Since 1905 no legislature has enacted less than that number. There is need for more legislation to-day than there was a half century ago, and more time is required for lawmaking. In a number of states the length of the legislative session is fixed by the state constitution. The time specified might have been enough when the constitution was adopted, but may be hopelessly inadequate to-day. The practice of resorting to such subterfuges as the observance of "legislative days" in some states where the sessions are limited indicates that the time allowed is too short. In the Wisconsin legislature, with its unlimited session, there are delays. It is difficult finally to settle a question. A bill may be indefinitely postponed and later brought up for reconsideration and passed. However, when the legislature finally adjourns it has had ample time to give full consideration to measures, it has not been too crowded during the closing days of the session, and the enactments are reasonably in line with the general wishes of the legislators. Unquestionably the tendency is for the sessions to become too long. This works a hardship upon the members and is a strain upon the patience of the public. The session would probably be shortened if there were a real party organization and party leadership to expedite matters. To limit it to a definite number of days would probably be a mistake.

NEED FOR PARTY ORGANIZATION AND PARTY RESPONSIBILITY

This paper was begun with the assertion that the present legislature of Wisconsin is a disappointment. After having surveyed the organization of the legislature and the agencies for expediting and improving legislation, this assertion may seem paradoxical. Here we have a legislature composed of a hundred and thirty-three members, most of them able and competent, all of them apparently honest and anxious to serve their state and their constituents according to their best judgment and abilities. They are organized under a parliamentary system which it has taken centuries to develop; they are surrounded by experts in the mechanics of lawmaking; they are afforded every material convenience to expedite their task. In spite of all this, the present legislature has not accomplished what its friends had hoped in the way of constructive legislation. The difficulty seems to be that the legislature is a group of individuals attempting to work together without accepted party leadership in the chambers, without common principles, and without a definite purpose.

PARTIES LOOSELY ORGANIZED

What is seriously lacking in the Wisconsin legislature—and it has been lacking for years—is that peculiar unity of purpose, selfish though it be, which comes only with party organization and party responsibility. With the exception of the small group of socialists, there is no working organization along party lines. The disparity in party strength is such that party organization seems hopeless to minority parties and needless to the majority party. This disparity, while accentuated in the present legislature, is characteristic of the political situation in the state during the last three decades. The following tables show the relative strength of political parties in the last ten legislatures:

PARTY STRENGTH IN THE ASSEMBLY, 1905–1923

Year	Republicans	Democrats	Others
1905	85	11	4
1907	76	19	5
1909	76	19	5
1911	59	29	12
1913	57	34	9
1915	62	30	8
1917	79	14	7
1919	81	4	15
1921	92	2	6
1923	89	1	10

PARTY STRENGTH IN THE SENATE, 1905–1923

Year	Republicans	Democrats	Others
1905	28	4	0
1907	27	5	1
1909	28	4	1
1911	27	4	2
1913	23	9	2
1915	22	8	3
1917	24	6	3
1919	27	2	4
1921	27	2	4
1923	30	0	3

It has been the experience of every representative government that some extra-governmental agency is necessary to formulate policies, to nominate candidates, and after securing control of the government to assume responsibility for its policies and for the conduct of its personnel in official positions. The political party has filled this need, and although criticised as inimical to democracy it has always appeared as an essential agency of popular government. To-day it is frequently lamented that the major parties do not stand for any definite distinguishing principles, and it is asserted that parties should represent distinct interests and issues. It is hopeless to realize this ideal. Party affiliations are largely determined by accident of birth and environment. If ten thousand people from all classes of society were selected by lot and placed on one side of a street and ten thousand selected in the same manner and placed on the other side, it would not be expected that one side would differ materially on issues from the other, or would be actuated by different motives or principles. Party adherence is almost equally accidental, and it is childish to suppose that a group of a hundred thousand Democrats should differ radically from a group of a hundred thousand Republicans on definite issues or policies. Nor is it important that they should differ on rational questions. Elections are determined, not by rational, but by emotional reactions. The important thing is to have two parties, the "Outs" and the "Ins," the one seeking to retain control of the government, the other seeking to gain control. If the people are dissatisfied with one they can select the other. This simplifies matters. The party must stand or fall on its record. When such a condition prevails, the interests of the legislator and his party tend to become one. An organization must be kept up, comprises must be reached within the party, and a working machine under a trusted leadership must exist. The situation in the Wisconsin legislature is the very opposite of this. With the exception of the Socialists, there is no party organization and no recognized party leadership within the legislature.

HISTORY OF PARTIES IN WISCONSIN

It is impossible here adequately to consider the political history of Wisconsin which has culminated in the present situation. It must, however, be given a brief mention. Since the Civil War Wisconsin has been a Republican state. The Democratic party, however, until recently, maintained a party organization and occasionally elected congressmen, and other important officials. Twice it succeeded in getting control of the state government. Up to 1904 the political campaign was waged between the Democrats and the Republicans. With the emergence of Senator LaFollette there occurred a split in the Republican party. Unfortunately this breach developed about the same time that the convention system was abandoned for the direct primary, and consequently no common meeting place has been afforded where those who style themselves Republicans can convene and settle their difficulties in a spirit of honest compromise. The last Republican convention was held in 1904. It was hardly a party convention. In many respects it resembled a glorified Donnybrook Fair, and it ended in a bolt. Since then there have been two factions in the Republican party. They have called themselves by different names, and have characterized each other by various epithets. The appellations are unimportant. The truth of the matter is that one group might be termed the LaFollette faction and the other the Anti-LaFollette group. The magnetic and dominating personality of Senator LaFollette has been the center of the political arena. Wisconsin has the "open" primary where a voter may secretly vote in any primary he chooses. The only conventions of any importance held during the last decade have been Republican factional conventions. The result is that the Democratic party has disintegrated, its former adherents voting with one or the other of the Republican factions.

The election of 1922 was an overwhelming victory for the LaFollette faction. It was the first time since the breach in the Republican ranks that one faction of the party gained complete control of all branches of the government. One would expect this to bring about a harmonious functioning of the agencies of the government. This unfortunately has not been the case. The reason is evident. The LaFollette movement in 1922 lacked a recognized responsible organization, and did not have a comprehensive, constructive program on which the many and varied followers of the Senator could agree. No generally representative convention was held to select candidates or formulate policies. A variety of different elements, many of which had conflicting interests, rallied to the LaFollette faction. Those associating themselves with the LaFollette group were elected to the legislature, and an overwhelming majority was realized in the assembly. By uniting with the Socialists a working majority is also secured in the senate.

NO MAJORITY OR MINORITY ORGANIZATIONS IN ASSEMBLY

The LaFollette Republicans, while having an overwhelming majority in the assembly, have not perfected a working organization. They style themselves "Progressives." But the word "Progressive" as applied to politics is merely an attitude word. It is a word to conjure with and admits of a variety of interpretations. Some of these Progressives are primarily interested in agrarian legislation; others are interested mainly in labor legislation. Some are wet and some are dry, and their views on the liquor question are likely to color their whole outlook. A large number are interested mainly in economy and inclined to disregard how that economy is to be realized. Yet it is difficult to reconcile radical retrenchment with a progressive program. One member openly boasts that he is carrying out his campaign pledge of voting against every bill which provides for an appropriation. The drys are Progressives *inter alia*. The wets are Progressives *inter pocula*. They are all Progressives, but not always progressing.

No recognized leader in the assembly has come to the front to organize these Progressives into a cohesive, functioning, majority organization. They never hold a caucus. In fact the Socialists are the only members who hold party caucuses regularly to determine what stand to take on pending legislation. The drys caucus and the wets caucus, but this tends to divide rather than unite the Progressives because, like Mark Twain, they have friends in both places. The lone Democrat in the assembly was elected, not as a follower of Andrew Jackson, but as an opponent of Andrew Volstead. In an assembly representing so many conflicting interests it is impossible to organize the members into a majority group and a minority group. A majority will stand together on one question and rearrange itself on another. A vague majority organization seems to exist by a combination of the administration forces and the wets.

A still more vague minority has occasionally formed in opposition to the administration. This minority is made up of the handful of so-called "Conservatives," the ten Socialists, and the drys. Such a minority, of course, is not capable of working together. Not only does it group the Conservatives and the Socialists together, but it places the Socialists with the drys, and all the Socialists members come from Milwaukee and wish to see their city famous again. But this majority and minority are not to be taken seriously. The situation is cited to show that there is no real working majority or minority organization in the assembly.

In the senate there is a real opposition. The anti-administration group has fifteen members. The administration forces also have fifteen, and there are three Socialists. The division is so close here that one never knows in advance what the senate will do. The administration forces must maintain a working agreement with the Socialists if they are to retain a majority. If they lose one vote they are shaky; if they lose two they are lost. The anti-administration members, realizing that in unity there is strength, have stood together. The administration supporters have frequently disagreed among themselves and lost the day. Even in the senate, where the forces are almost equally divided, there is a failure to effect compromises within a group and thus maintain a working majority organization.

The Wisconsin legislature is a medley of individuals, groups, factions, and conflicting interests. What is needed is a consolidation of these various individuals and groups into effective majority and minority organizations which actually have a purpose and a program. An organized minority party seems to be beyond the hope of immediate realization. The Democratic party is so completely demoralized that it could not fill the requirements of the election laws and had to run its candidates as independents in 1922. In more than half of the assembly districts the Democrats did not run a candidate for the assembly. Some former Democrats, discouraged with the petty opportunism of their party in the state and dispairing of its chances of success, have deserted it and are now serving in the legislature as Republicans. But if a continuing minority party cannot be restored, something must be done with the majority party. Able leadership in the legislature is needed to consolidate the various interests now making up the Republican party into really effective majority and minority organizations. Real progress means the formulation of a constructive program based upon sound principles and an organized effort to attain the goal. It matters nothing under what banner the organization works. Until it has a program and leadership to carry it out, a legislature can never be progressive. Retrenchment is not progress. It is another word for reaction. During the present session there has been initiated a constitutional amendment providing for the initiative and referendum. It is advanced as a progressive measure, but if adopted it will probably be a disappointment to its proponents. It is likely to prove but another way to shift responsibility from the legislature to the people. Legislators are prone to vociferate about the wisdom of the people, but they fail to observe that their own election is sometimes positive proof of the fallibility of the electorate. Nothing is to be gained by shifting the responsibility from the legislature to the voters. What is needed is an organization in the legislature which will assume collective responsibility for its actions and be answerable to the people for what the legislature has done or has failed to do.[2]

[2] The author is indebted to Mr. Waldo Schumacher for much of the statistical material contained in this paper.

THE INITIATIVE AND REFERENDUM IN THIRTY-SIX AMERICAN CITIES IN THE YEARS 1921 AND 1922

BY E. L. SHOUP
Western Reserve University

A review of the initiative and referendum in cities with full statistical tables. :: :: :: :: :: :: :: :: :: ::

THOMAS HOBBES attributed to mankind "a perpetuall and restlesse desire of Power after power, that ceaseth only in Death." If the use made of the initiative and the referendum in the years 1921 and 1922 in thirty-six cities chosen at random from all parts of the United States is typical of the desire of the electorates for the exercise of the legislative power, it is evident that Hobbes has overstated the case against "the mob." Just as far adrift were those enthusiasts of a decade ago who asserted that law-making directly by the people must eventually overshadow that by elected representatives. Ninety-five measures were voted on by these cities in two years, of which fifty-one carried and forty-four were rejected. Although the power was their's for the taking, the electorates of only twenty-one cities, of the thirty-six examined, availed themselves of it. Nor did they clamor for corn and wine and games at the public expense and vote them to themselves! In fact Grand Rapids and Omaha rejected propositions to provide free public receptions, entertainments, and concerts![1]

These figures do not represent the

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[1] Full statistical tables are given on pp. 616 to 662.

full amount of direct legislation in which the people of these cities participated for, naturally, state and county measures were not included. Those bond issues and tax levies for municipal purposes which the state constitution or the city charter requires to be submitted to the people have also been omitted; but those coming up in the form of an initiative or referendum ordinance have been included.

The thirty-six Initiative and Referendum cities chosen represent all sections of the country and all sizes of municipalities from the fifteen thousand of Albuquerque to the nearly a million of Detroit. While the number used is not sufficiently large to warrant an attempt to draw detailed conclusions, some general tendencies are unmistakable. In general, it does not seem that the size of the city has much to do with the frequency of the use of the initiative and the referendum. If the fourteen smaller Ohio cities given in a separate tabulation were included, the odds would be with the large cities. With respect to geographical sections, the greatest use was made in the Pacific and Mountain states, followed in order by those of the north central region and of the northeast; while the old South made use of them the least.

Only eight of the thirty-six,—Albuquerque, Dayton, Grand Rapids, Jackson, Norfolk, Phoenix, Sacramento, and Wichita, were under the commission-manager form of government during the period of the survey. It may be only a coincidence that but three of these had initiative and referendum elections and that a total of only ten measures, six of them in one city, Grand Rapids, were voted upon. Sacramento passed an initiated ordinance prohibiting one-man cars and shortly afterwards found it necessary to call another election to vote on its repeal because of a threatened increase in fares. Its third measure was a rejection of a prohibition enforcement act, known as the "Little Volstead." Dayton voted on a charter amendment involving the abandonment of the commission-manager plan of government.

In theory a chief function of the initiative and referendum is to furnish a means for an appeal to the people when, as in the mayor-council type of government, there is a deadlock between the two organs which jointly hold the supreme power. It would follow that when there is a centralization of power and responsibility as in the commission-manager plan, the use of direct legislation would be restricted to special questions of such a weight or nature as could best be passed on by the electorate directly; or, that it should be used as a weapon by the opposition in the council when they believe the majority of council is no longer representative of the popular will. All that can safely be said here is that the city manager cities have apparently made a smaller use of the initiative and referendum than those where the orthodox scheme of the separation of powers prevails.

POPULAR PARTICIPATION IN DIRECT LEGISLATION

Lord Bryce's parting words to the coming generations were not to despair of Democracy so long as there is a popular interest in the affairs of government. How is it with the American cities? The proportion of those voting on initiative and referendum measures to the total population varies all the way from 5.2 per cent in Duluth to 27.6 per cent in Cincinnati and 27.8 in Dayton. The average for the twenty-one cities is 15.8 per cent. While this seems small, it can only be judged when placed in comparison with typical votes of the same cities for some elective officer. Upon such comparison, it is found that in every case but one, the average number of votes cast in the initiative and referendum elections is less than those for the elective office.

The disparity, however, is not of an unreasonable amount: the average of the former is but 27.9 per cent less than that of the latter. Or, by another mode of comparison, the average vote for the elective officer is 21.9 per cent of the total population; while that for the initiative and referendum measures is 15.8 per cent of the total population.

The reason for the difference probably lies deep in human nature;—the universal existence of an innate gossipy streak which inclines people to be more interested in persons than in issues. Do these results indicate a hopeless shiftlessness in the *populus* as respects participation in direct legislation? The facts are here—, each one may interpret them for himself. But it would not seem that the voters are lazy unless one assumes the same also for the popular election of public officials, which few are prepared to do. It cannot reasonably be contended that the average vote on these ninety-five initiative and referendum measures under present conditions of society is so small as to make them less than a mandate from the people.

KINDS OF QUESTIONS

The ninety-five measures voted on represent a wide variety of subjects. In their essence, they comprise matters which are, technically speaking, constitutional (charter) laws, administrative regulations, and ordinary legislative enactments. Ideally, class one are proper subjects for the electorate to pass upon directly, while all of class two and most of class three could better be performed by the city government itself if capable, responsible, and representative.

Formally, the questions show a marked preponderance in favor of charter amendments in the ratio of more than two to one. On first glance it might be assumed that this was to be expected since constitution- or charter-making lends itself better to popular control than the making of ordinances. But further examination shows that the distinction in this case is only nominal. Many that were submitted as charter amendments could just as well have been submitted as ordinances: they are indistinguishable in substance.

Thirty-three, or about a third of the measures may be classed as political. These have to do with elections, the disposition of the powers of government, their shifting from one officer or department to another, the making of wards and precincts; and general matters of policy. The next most numerous group, twenty-four in number, concern public utilities, both privately and municipally owned, and other public property. Eighteen are classed as financial. The thirteen classed as social include such various matters as community houses, free concerts, and the public schools. The last and smallest group of seven are laws of a restrictive nature and properly speaking are exercises of the police power of the state.

POLITICAL QUESTIONS

The commission-manager form of government was up for consideration in four cities. It was adopted by Cleveland, but turned down by Denver and Pueblo; while Dayton refused to abandon it. Des Moines voted to permit candidates for the commission to state their preference for the headship of one of the administrative departments. Lincoln, Nebraska, carried an amendment to permit the electors to indicate which one they prefer for mayor, when voting for commissioners. A number of questions of a nature too complex and detailed to be discriminatingly considered by the electors were before the people of San Francisco in its regular municipal election in December, 1922. Notably, were important changes in the civil service laws, the reorganization of the police court, and the creation of a public utilities commission. Happily, the most questionable of these were defeated. Among the eleven measures on the ballot in the May, 1922, election in Denver, were a number which on their face bore the impress of personal and class interests or were of a "ripper" nature. All of these, too, were overwhelmingly defeated. An initiated ordinance to set a minimum wage of five dollars a day for laborers on city work, with a Saturday half-holiday in the summer months and establishing the eight-hour day, was among those defeated in Denver.

PUBLIC UTILITIES

Public utilities and city properties were the subjects of considerable legislation. These included for the greater part, franchises, extensions, improvements, and rate regulations. Public ownership fared rather well. Buffalo voted overwhelmingly to petition the state legislature for permission for the city to own and operate bus lines. Lincoln gave permission to the council to own and operate a municipal coal-yard. San Francisco, which had had some experience with municipally owned car-lines, voted to allow the city council to purchase and operate any part or all of the street railway system. In Detroit the street railway ouster ordinance carried, as well as the one ordering the city to purchase and operate he system. The only set-back was in Lowell, Massachusetts, where a propoition to acquire, maintain, and operate municipal gas plant was defeated.

FINANCIAL

No innovations are found in the various financial measures. Buffalo refused by a large vote permission to the board of education to determine the amount of school bonds to be issued without limitation by the city government. Detroit provided for the payment of the taxes in two semi-annual installments. Duluth set a fifteen dollar per capita limit on taxation for general government purposes. San Francisco created a bureau of supplies to facilitate centralized purchasing, and explicitly interpreted the charter to permit the expenditure of funds for the construction and maintenance of highways outside the corporate and county boundaries. The same city decisively defeated an ordinance setting a salary scale for the principal officers.

SOCIAL AND POLICE

Only about one-fifth of the measures fall under this classification. Grand Rapids rejected an ordinance to provide free community concerts; while Omaha rejected a similar measure as well as one for free nursing. Two cities voted on the question of daylight saving,—Buffalo sustaining such an ordinance then in existence and Milwaukee adopting one by a close vote. Grand Rapids by a three to one majority adopted an ordinance punishing frauds in the local elections. Los Angeles by the initiative carried the repeal of two ordinances which had granted permission to certain private parties to erect buildings over certain public alleys.

THE OUTCOME OF THE VOTING

It does not seem that there were many cities in which measures were submitted on which because of their nature or number a passably intelligent judgment might not have been given by the electorate at large. Conspicuous examples of the contrary were San Francisco and Denver. At the regular municipal election in the former, no fewer than twenty-three questions, of which all but one were charter amendments, were submitted. An election pamphlet of thirty-one pages was required to contain the text. They covered a wide range of subjects, were for the greater part unrelated to each other, and could not have been understood without such a detailed knowledge of the charter as could be expected of few voters. Much the same was true of the eleven charter amendments and ordinances in the Denver election of May 17, 1921.

Twenty-one out of the thirty-two, or 66.6 per cent, of the measures placed on the ballot by the initiative failed of passage, as compared with twenty-three out of sixty-three, or 36.5 per cent, placed there by the referendum. That is, the voters were almost twice as much inclined to reject measures originated by themselves as those by the city council. It would be presumptious to attempt to pass a judgment upon the wisdom of the votes on individual questions without an intimate knowledge of the local situation and issues. But some general *prima facie* conclusions may be drawn. That the voting in general was conservative is evident. Almost as many of the measures were defeated as carried, the outcome for charter amendments and ordinances being about the same. Whenever they were so numerous or intricate as to puzzle the voter, he seems to have adopted in defense the slogan, "When in doubt, vote No." Three amendments in the San Francisco election emasculating the civil service law were smothered. Another authorizing the board of park commissioners to build garages in the public parks or grant fifty year leases to private parties for the same purpose met a like fate. All eleven of the Denver proposals, several of which might have had merit, were defeated by majorities running all the way from two to one to five to one. The soundness of the charter amendment adopted in Lincoln, a commission governed city, in which the designating of a commissioner for mayor is transferred from the commission to the voters, may well be questioned. In general, however, one gains the impression that the voting by the electorates on these ninety-five questions was at least as satisfactory and sound and well-considered as could be expected from the average American city council.

THE INITIATIVE AND REFERENDUM IN FOURTEEN OHIO CITIES IN 1921 AND 1922

The results for fourteen Ohio cities, not included in the foregoing list, for the years 1921 and 1922, show some variations from those for the nation at large. All of these cities with the exception of two, Barberton and Lancaster, have in excess of twenty thousand population. They have the initiative and referendum either by charter or under the general code of the state. Only eight measures were voted on in the two years, that is to say, a ratio 78.4 per cent less than for the thirty-six. The chief reason for the difference doubtless is their smaller average size which brings about more intimate contacts between the citizens and officers and makes for more responsible government. On the other hand, several have not availed themselves of the opportunity, afforded by the state laws to frame and adopt their own charters. Such cities are still less apt to make use of the initiative and referendum, a device handed down to them from above by the state legislature and constitution.

This accounts in part, too, for the further difference that no charter amendments are found among the eight measures.

The ordinances cover the usual range of subjects. East Cleveland, a manager-commission governed city, by an initiative petition forced a referendum on a new schedule of gas rates set by the commission. The latter was overruled in a warm campaign by a vote of 1,266 to 1,354. Counting all fourteen cities, three ordinances were passed and five rejected.

CONCLUSIONS

These may be briefly summarized as follows:

First. The initiative and the referendum have on the whole been used conservatively and constructively. The prevailing tone of the voting would be dominated progressive. They have not proved subversive of the existing order.

Second. They were used somewhat less by manager-commission cities than by those under the old mayor-council plan.

Third. The small cities used them less than the large ones.

Fourth. They were used more for the making of charter amendments than for ordinances.

Fifth. Questions placed on the ballot by the referendum were more successful in passing than those placed there by the initiative.

Sixth. The initiative and the referendum have in no sense proved to be substitutes for the work of the city council or commission. They seem to have found their niche. In the first place, they are instruments for occasional use on all sorts of questions to enforce sense of responsibility on the city government. Secondly, they provide a ready means for the expression of the popular will on certain clear-cut issues where for some reason a direct mandate from the people is desirable.

USE OF THE INITIATIVE AND REFERENDUM IN THIRTY-SIX CITIES IN THE YEARS 1921 AND 1922

	Charter Amendments				Ordinances				Totals
	Initiative		Referendum		Initiative		Referendum		
	Carried	Rejected	Carried	Rejected	Carried	Rejected	Carried	Rejected	
Albuquerque									
Birmingham, Ala.									
Buffalo							2	2	4
Cambridge, Mass.									
Charleston, W. Va.									
Cincinnati						1			1
Cleveland	1						1		2
Columbus									
Dayton		1							1
Denver		4		3		3		1	11
Des Moines	1						1		2
Detroit			3		2	1			6
Duluth			3						3
Grand Rapids		1	6	2			1		10
Haverhill, Mass.									
Houston, Tex.									
Jackson, Mich.									
Lawrence, Mass.									
Lincoln	1		1						2
Los Angeles	1	1				2			4
Lowell, Mass.	2					2			4
Lynn, Mass.								1	1
Mobile									
Norfolk									
Milwaukee					1		2	1	4
Omaha		3		1			1	1	6
Phoenix									
Pueblo, Colo.		1							1
Richmond									
St. Louis							1		1
St. Paul									
Sacramento					1		1	1	3
San Diego			3	1	1				5
San Francisco		1	13	9					23
Spokane			1						1
Wichita, Kan.									
	6	12	30	16	5	9	10	7	95

SUMMARY

	Carried	Rejected	Total
Charter Amendments	36	28	64
Ordinances	15	16	31
	51	44	95

USE OF THE INITIATIVE AND REFERENDUM IN FOURTEEN OHIO CITIES IN 1921 AND 1922

(These cities were not included in the foregoing table)

	Charter Amendments	Ordinances	Initiative Ordinances	Referendum Ordinances	Passed	Rejected
Ashtabula	0	1	1			1
Barberton	0	0				
Canton	0	0				
East Cleveland	0	1		1		1
Elyria	0	3	2	1	1	2
Hamilton	0	0				
Lakewood	0	1	1			1
Lancaster	0	1	1		1	
Lima	0	0				
Lorain	0	0				
Mansfield	0	0				
Norwood	0	0				
Sandusky	0	1		1	1	
Youngstown	0	0				
	0	8	5	3	3	5

SIZE OF VOTE CAST AT INITIATIVE AND REFERENDUM ELECTIONS IN THE YEARS 1921 AND 1922

	Population	Vote for Mayor or Other Elective Officer 1921–22	Average Vote on Initiative and Referendum	Percentage of Vote for Elective Officer	Percentage Total Population
Albuquerque	15,157				
Birmingham, Ala	178,806				
Buffalo	556,775	130,699	82,680	62.2	11.2
Cambridge, Mass	109,694				
Charleston, W. Va	39,608				
Cincinnati	401,247	134,659	111,828	83.	27.8
Cleveland	796,841	150,455	109,760	72.9	14.1
Columbus	237,031				
Dayton	152,559	(Governor) 63,825	42,112	65.9	27.6
Denver	256,491	59,350	40,066	67.3	15.6
Des Moines	126,468	30,350	23,069	76.	18
Detroit	993,678	124,854	107,639	86.2	10.8
Duluth	98,917	20,377	5,176	25.4	5.2
Grand Rapids	137,634	29,250	14,629	50.	10.6
Haverhill, Mass	53,884				
Houston, Tex	138,276				
Jackson, Mich	48,374				
Lawrence, Mass	94,270				
Lincoln	54,948	(Governor) 13,181	5,467	41.4	9.9
Los Angeles	576,673	91,838	88,427	96.2	15.3
Lowell, Mass	112,759	24,192	8,811	36.4	7.8
Lynn, Mass	99,148	22,654	17,133	75.6	17.4
Milwaukee	451,147	77,735	56,294	72.4	12.3
Mobile	60,777				
Norfolk	115,777				
Omaha	191,601	54,546	40,351	73.9	21.0
Phoenix					
Pueblo, Colo	45,581	(Governor) 7,006	6,236	89	13.6
Richmond	171,667				
St. Louis	772,897	203,340	175,364	86.4	22.7
St. Paul	234,698	(Governor) 29,653			
Sacramento	65,908	12,302	9,708	79.7	14.7
San Diego	74,683	9,307	12,004	128.9	16
San Francisco	506,676	(President) 128,741	100,120	77.7	19.7
Spokane	104,437	(Governor) 32,482	22,661	69.7	21.6
Wichita, Kan	72,217				

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922

	Yes	No
Albuquerque		
Birmingham, Ala.		
Buffalo		
Cambridge, Mass.		
Charleston, W. Va.		
Cincinnati		
Cleveland		
Establishing the manager-commission form of city government with the commission elected by proportional representation	77,888	58,204
Columbus		
Dayton		
To re-establish the mayor-council form of city government	16,159	25,953
Denver		
Changing the relation of the election commission to the city government and naming Rex B. Yeager commissioner for a term of six years	6,438	34,545
Validating and confirming all city and county bonds heretofore issued	6,874	32,303
Creating a municipal building commission and naming three men to fill it, and providing for the erection of a city hall	7,784	32,303
Creating a public service board to regulate public utilities	4,266	34,703
To provide lower rents by restricting the rates on houses and personal property to one-half those on land	7,295	32,050
Permitting the board of public works in the case of local improvements paid for by private assessments either to make them by day labor under its own direction or by independent contract	6,687	29,740
Charter amendment revamping the entire charter but retaining the mayor-council form	5,430	30,477
Des Moines		
Providing that each candidate for the city council designate the particular department to the superintendency of which he aspires, and which, if elected, he shall fill	10,386	9,941
Detroit		
Payment of taxes in two installments	56,707	46,715
Providing for twenty-four wards and twenty-four councilmen	33,990	67,878
Duluth		
Setting $15.00 as the maximum per capita that may be levied by general taxation in any one year excepting funds numbered 1 and 2	3,586	1,610
Providing for the issuance of not to exceed $200,000 of bonds in any one year for the permanent improvement fund	3,512	1,655
Authorizing the issuance of bonds not exceeding $25,000 for the "Welfare Building"	3,820	1,356
Grand Rapids		
Division of city into wards and the election of various city officials	9,215	11,626
Setting a rate of interest on municipal bonds	8,041	6,940
Providing a fund for receptions, entertainments, etc.	6,197	8,947
Punishment for frauds in municipal elections	10,110	3,315
To permit the granting of certain franchises	6,610	2,626
	6,496	2,426
	6,046	2,412
Increasing the amount of street and sewer bonds	10,739	7,660
Community concerts	8,310	9,779
Haverhill, Mass.		
Houston, Texas		
Jackson, Mich.		
Lawrence, Mass.		
Lincoln		
Allowing candidates for council to express preference on the ballot "for mayor," the one so doing receiving the highest vote therefore, to assume the office of mayor and the department of public affairs	4,217	1,596
Authorizing the city to establish, maintain and conduct a municipal coal yard	4,696	426
Los Angeles		
Providing for firemen's and policemen's pensions	84,466	38,111
District representation	35,203	52,408

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922—*Continued*

	Yes	No
Lowell, Mass.		
Acceptance of a charter amendment drawn up by a charter commission	8,534	7,903
Adoption of the mayor-council form of government defined in the General Laws of the Commonwealth	11,498	9,924
Lynn, Mass.		
Mobile		
Norfolk, Va.		
Milwaukee		
Omaha		
Giving the council authority to make improvements and levy assessments therefor on their own initiative without petition	15,154	20,749
Creating a "Public Concert Fund" of not more than $15,000 in each year	14,126	24,591
Providing for the financing of grading in the same manner as other public improvements	14,063	15,301
Authorizing the council to issue bond in any amount not to exceed $25,000 in any one year without a vote of the electors for free nursing	14,126	24,591
Phoenix, Ariz.		
Pueblo, Colo.		
Providing for a city manager form of government	2,778	3,458
Richmond		
St. Louis		
St. Paul		
Sacramento		
San Diego		
Authorising the city to make and enforce all laws and regulations in respect to municipal affairs	7,220	2,927
Incorporating the general law of the state authorising municipalities to incur a bonded indebtedness	6,447	3,358
Authorising any officer having the power to employ deputies, assistants, etc., to remove such person, giving written notice and hearing	6,984	3,360
Providing that the common council in granting permits or franchises for the operation of street railways shall grant them in accordance with the general laws of the state, and may enforce such terms as are not in conflict with those laws	6,489	8,952
San Francisco		
Altering the civil service provisions; making the auditor, assessor, county clerk, city attorney, sheriff, treasurer, tax collector, recorder, public administrator, and coroner elective	20,943	90,303
Providing that any person who has been serving as assistant deputy coroner (female) continuously for one year prior to the adoption of this amendment is hereby appointed to such position	47,945	53,886
Providing that any person who has served for five years continuously prior to the approval of this act in the position of bookkeeper and cashier in the office of the sheriff is hereby appointed to the positions; and the positions named are placed in the classified civil service	49,549	63,188
Making all meetings of city boards and commissions excepting special meetings of the civil service commission open to the public	62,659	40,500
Making final the judgment of the boards of police commissioners and the fire pension fund commissioners in determining when a disability has ceased upon which a pension has been granted	51,527	42,777
Giving the chief of police power to detail members of the police force for detective duties and providing for their organization and salaries	62,659	40,500
Making the general election laws of the state applicable to the city elections and providing for the registration of voters at places outside the city hall	59,092	38,055
Providing that the general election laws of the state shall apply in the city in certain particulars if voting machines are used	60,669	39,742
Declaring foreign trade zones located in the city and county by authority of congress public utilities	54,833	38,830
Interpreting the charter to permit the expenditure of city and county funds for highways without their limits	69,351	31,628
Permitting the board of supervisors to establish and publish the "City Record"	35,675	58,082
Placing the Hetch Hetchy electric power project and public utilities for the furnishing and delivery of water outside the 15 per cent limit on bonded indebtedness; and permitting the disposal of surplus water and electric energy outside the city and county limits	37,061	59,410
Giving the board of park commissioners complete and exclusive control and management of the city parks, squares, avenues and grounds	54,891	44,248

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922—*Continued*

	Yes	No
San Francisco—Continued		
Permitting the board of park commissioners to erect automobile garage or parking stations in the "sub-park" spaces in public parks and squares, or to lease it for such purposes for a period not to exceed fifty years	45,148	51,771
Reorganizing the police court	43,202	60,522
Authorizing the board of supervisors to repay taxes collected even though no protest had been made if the tax levy was later declared unlawfully made by a state or federal court; and to levy a general property tax to refund the amount of the illegal tax levied and collected	45,055	48,021
Authorizing the sale of city and school lands and providing a procedure therefor	60,385	38,015
Authorizing the board of supervisors to create by ordinance a public utilities commission to be appointed by the mayor	44,124	51,969
Fixing the salaries of the principal city and county officers	39,409	62,175
Creating a bureau of supplies as a central purchasing agency for all city supplies	53,193	42,612
Authorizing the city and county to purchase land outside their limits for tuberculosis hospitals and for the erection and maintenance of hospitals thereon	89,301	20,376
Authorizing the city and county to purchase the whole or any part of the street railways	74,683	38,758
Spokane, Wash. (Charter Amendment—text unavailable)	15,456	7,203
Wichita, Kan.		

VOTES ON CITY ORDINANCES UNDER THE INITIATIVE AND REFERENDUM IN YEARS 1921 AND 1922

	Yes	No
Albuquerque		
Birmingham, Ala.		
Buffalo		
Providing that the city shall build a water filtration plant to cost from $4,000,000 to $4,500,000	44,108	28,648
Repealing the ordinance establishing daylight-saving time	37,698	57,978
Empowering the board of education to determine the amount of school taxes to be levied and the amount of school bonds to be issued without limitation or reduction by the city government	12,355	70,174
Authorizing the city government to prepare and present to the state legislature a bill giving the city of Buffalo the right to acquire, own, maintain, and operate bus lines within the city; and to permit and to license the operation of bus lines by others without the restrictions of Sections 25 and 26 of the Transportation Corporation Law	56,331	23,428
Cambridge, Mass.		
Charleston, W. Va.		
Cincinnati		
Extension of city car line to the corporate limits	50,133	61,695
Cleveland		
Regulating the charges for gas	55,955	27,473
Columbus		
Dayton		
Denver		
Setting a minimum wage of five dollars per day for all laborers engaged on city work and providing for a Saturday half holiday	14,785	32,941
Providing for daylight-saving	10,575	29,599
Setting a seven cent street-car fare	10,575	29,599
Repealing an earlier ordinance setting a six cent street-car fare	8,519	30,060
Des Moines		
Street car franchise election	16,907	8,904
Detroit		
Street railway purchase-at-cost and option to purchase	52,673	92,060
Dix-Waterloo-Highway	65,809	40,364
High Street highway initiative ordinance	50,468	30,550
United Railway ouster	72,268	36,353
Duluth		
Grand Rapids		
Granting a street railway franchise	13,413	5,399
Haverhill, Mass.		
Houston, Texas		
Jackson, Mich.		
Lawrence, Mass.		
Lincoln		
Los Angeles		
Repealing an ordinance granting private parties permission to erect and maintain a building over a public alley connecting two buildings owned or leased by one interest	24,939	45,859
Another like the above	26,291	46,430
Lowell, Mass.		
Specifying a procedure for the granting of contracts for street construction	9,202	9,846
The acquisition, maintenance, and operation of a municipal gas plant	4,722	8,819
Lynn, Mass.		
Acceptance of an act of the general court relative to the salary of the members of the commission on drainage	5,601	11,532
Mobile		
Norfolk, Va.		

VOTES ON CITY ORDINANCES UNDER THE INITIATIVE AND REFERENDUM IN YEARS 1921 AND 1922—Continued

	Yes	No
Milwaukee		
Daylight saving	29,890	23,133
Levy and collection of a tax for school purposes	32,519	26,284
Levy and collection of a tax for the establishment of a trade school	28,746	27,935
Levy and collection of a tax to provide a public land fund	28,248	28,420
Omaha		
Authorizing bonds to build a free bridge between Omaha and Council bluffs	24,200	26,615
Bonds to repair the city gas plant	33,626	14,965
Phoenix, Ariz.		
Pueblo, Colo.		
Richmond		
St. Louis		
Setting eight hours as a day's work for the permanent employees in the classified service of the city	117,552	57,812
St. Paul		
Sacramento		
Prohibiting one man cars	6,148	5,665
Repealing the above because its enforcement would cause an increase in fare from five to seven cents	4,580	4,075
The "Little Volstead" Act—enforcement of the prohibition act	2,949	5,708
San Diego		
Granting a street railway franchise for a certain street to the highest bidder	7,178	7,107
San Francisco		
Directing the city council to memorialize Congress to modify the Volstead Act so as to permit the sale of light wines and beer	77,282	32,807
Spokane		
Wichita, Kan.		

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Engineering and Inspection Expense an Essential Part of Local Improvement Costs.—The practice of assessing on property benefited by local improvements either the entire cost entailed by such a work or a portion thereof, is largely followed at present by communities in financing such improvements, but frequently the expense of providing engineering and inspectional service in the prosecution of this work is not included in the cost figure used as the basis of assessment. In fact, in certain states the courts have ruled that the inclusion of these items and the cost of the work is not permitted under the laws governing special assessments.

The Illinois supreme court in 1922 rendered a decision to the effect that engineering and inspectional service furnished during the construction of public improvements which are to be paid for out of special assessments do not constitute a part of the cost of such work. This decision made it necessary to provide funds for such purposes out of current revenues and constituted a serious disadvantage particularly to smaller communities.

Under the most favorable conditions it is frequently difficult to secure adequate funds for those purposes as it is difficult for the public official and ordinary citizen to appreciate the important bearing that adequate engineering supervision over public improvement construction has to the accomplishment of satisfactory and economic improvements. In Illinois this decision of the court created a situation demanding remedy, and largely through the efforts of the Illinois Society of Engineers a bill permitting municipalities to include engineering and inspection as items in the cost of local improvement work was introduced into the state legislature and favorably acted on during the past year. This recognition of the principle that the expense incurred in the preparation of plans and furnishing engineering and inspectional service is an essential element in the cost of any public improvement, constitutes a real accomplishment. It reflects credit on those who prepared the bill in question and secured its enactment. The need for local improvements is a current one and affects all communities. Obviously, a sound policy both in the planning and financing of these improvements is of the outmost importance, both to secure adequate facilities and to provide for an equitable distribution of the financial burden entailed. The most practical method of financing local improvements is in general by means of special assessments. Suitable legislation is an important element in facilitating the carrying out of any assessment policy. The law passed by the Illinois legislature is a step in the right direction.

✦

State Control over Type of Municipal Sewage Disposal Plants.—The New Jersey state board of health on July 31 refused for the second time to approve plans for treating the sewage of Trenton by the direct-oxidation or lime-electrolysis process, and the New Jersey court of chancery so modified its injunction requiring the city of Trenton to stop polluting the Delaware River with sewage as to give the city until July 31, 1924, to submit plans for sewage treatment works and until August 1, 1925, to build the works. This action is of particular interest both on account of the reasons for taking it and the insight it affords with respect to the scope of jurisdiction of the state board of health of New Jersey over matters of municipal sewage disposal. The reasons for the action taken by the state board as presented in a resolution adopted on May 1, 1923, in brief were as follows. Objection was taken to the method of treatment proposed on the grounds that "the direct oxidation method of sewage treatment is still in an experimental stage and has not been demonstrated as a practical and continuous method for the treatment of sewage." Greater emphasis, however, was given by the state board to the opinion that the method of treatment proposed by the city was unduly expensive, it being entirely possible with a less costly plan, that of sedimentation, to provide the degree of purification required to meet local conditions for "at least ten years and probably for considerably longer."

There is an economic issue as well as one affecting public health and general community welfare involved in the Trenton case which is of interest to all state health boards as well as communities facing the necessity of providing sewage disposal facilities. This is the matter of conserving the expenditure of public funds for the latter purposes while ensuring adequate protection. An illuminating editorial comment on this issue in its relation to the Trenton situation appeared in the *Engineering News-Record* at the time the first decision of the state board of health was made public. From this the following extracts are taken:

> So far as reasonably possible every state health board should consider all the sanitary and public-health needs of a community before sanctioning the expenditure of money for any purpose on sanitary or public-health grounds, in order to make sure that money so spent would not yield larger and better results if devoted to some other purpose. This is all the more important when a city submitting plans for sewage treatment is doing so under compulsion from the state board of health, which is true in the Trenton case to the extent of years of prodding by the board, sharpened and strengthened last year by a court order at the board's instance requiring Trenton to stop polluting the Delaware within eighteen months. This prodding and court order make the New Jersey state board of health a partner in placing the burden of sewage-works construction and operation on the taxpayers of Trenton. The board, therefore, should make sure that the burden is no heavier than local conditions demand, and rightly refuse to accept plans drawn to fulfil an idealistic conception of sewage treatment, but providing, to meet that ideal, a method of disposal which the board regards as still in an experimental stage. The stand of the state board of health of New Jersey is commended to the attention of any board elsewhere which is acting on the principle that its jurisdiction over water and sewage treatment plans ends with judgment as to whether the plans will be sufficient instead of extending to their possible over-elaborateness and the city's needs for more vital improvements or services.

⁂

Unregulated Competition a Hazard in Public Works Contracts.—Low bids for public works construction are admittedly desirable from every point of view, but too low bids, particularly when resulting from unregulated competition, are in the long run disadvantageous to all parties concerned. A timely illustration of the soundness of this doctrine is given in the experience of the past year in the important field of highway construction. There is food for thought, both for the public works official and the contractors doing public work, in the editorial comment on this subject appearing in the *Engineering News-Record*. This comment is in part substantially as follows:

> Low bids characterized highway contracting in 1922. This was particularly true of the early-season contracts. In Wisconsin, which is logically a low-cost state in road construction and where practically 90 per cent of the year's mileage was put under contract prior to May 15, there was a drop of about 30 per cent below 1921 bidding prices. In other states a similar if not an equal decline was exhibited by the bids submitted at the beginning of the year. As the season advanced and bad weather, poor railway service, higher prices and increased wages came along, bidding prices soared to a height not so far below those of 1921. Probably not all the low-price work was completed at a loss, but it is certain that not much of it paid a reasonable profit.
>
> Why did prices for road construction take such an extraordinary drop a year ago? We have the best explanation perhaps in a statement by H. J. Kuelling, highway construction engineer, that an influential reason for the low prices in Wisconsin was that "news of profits made in 1921 became noised about with the result that many new contracting firms sprang into being over night." The competition of these newcomers confident in their estimates predicated on the weather, wage, price and transportation conditions in 1921—one year in a decade in its conjunction of conditions favorable to construction operations—stampeded road contractors into a slaughter of prices which astounded the engineers who were taking the bids. Fear of being without a contract again demonstrated its power to fix the charge for doing work. Other influences contributed, but they were largely fugitive.
>
> The lesson is plain. In a stabilized industry the conditions indicated could not exist. Highway contracting is not stabilized. It lacks definitive knowledge of equipment performance, relative efficiency of methods and reasonable costs. It has not evaluated the influences that control progress. It has accumulated no general fund of quantitative information which indicates the boundaries of prices and profits. It has no established business policy. Its practices are individualistic and erratic. What happened early in 1922 is a natural consequence. It will happen again and again until contractors organize to stabilize their business policies and to determine the efficiency factors of their tasks.

The Editor puts the problem of correcting the conditions noted squarely up to the contractors and justly so. However, it should be recognized that the public official and particularly the municipal county or state engineer shares with the contractor responsibility for guarding against the occurrence of such conditions. Carefully prepared estimates, designs and suitable requirements for the submission of bids, together with effective systems of reporting on cost of work and the collection and interpretation of reliable cost data, are all important in giving the contractor as well as the engineer basis for sound judgment in the preparation of bids and the award of contracts. There is also merit in the use of preferred lists of bidders for contract work. Perhaps the most serious handicap under which the public official acts in these matters is the general provision that contracts must be awarded to the lowest responsible bidder. There is justification for permitting the liberal construction of this rovision as a means for securing economical and atisfactory accomplishment on public works onstruction.

*

Fire Protection Charges a Factor in Deternining Water Rates.—Any adequately designed ommunity water-supply system includes proision for furnishing two separate classes of ervice: first, an adequate supply of water uitable for domestic and industrial uses; and econd, a supply for fire-protection purposes. The latter obviously is in the nature of a readyo-serve or stand-by service. The design of any ystem supplying both of these kinds of service emands separate consideration of their respecive needs in the matter of pumping equipment quired, size of mains and reserve supply. ence the total cost of furnishing the supply will ary according to the requirements of these ervices. The percentage of this cost chargeable gainst water supply for fire protection is in all ses a substantial one and in the small communities may constitute the major portion of the tal cost. In view of this fact, it is essential at in determining what water charges will enre a proper and reasonable return for the rvice furnished suitable recognition be given the cost of furnishing service for fire protection. is rather surprising, however, that comparavely few communities base their water charges a scientific allocation of expense in respect of ese two classes of service, and many of these nore entirely or make a purely arbitrary charge r fire-protection service. The subject is of ough importance to justify consideration by ter-supply and other city officials, and a disssion of the requirements of sound policy in is matter by Mr. Caleb Mills Saville, manager and chief engineer, Water-Works, Hartford, Connecticut, in a recent number of the *Engineering News-Record*, merits careful attention. Certain of Mr. Saville's comments on this subject in part are as follows:

> Among the ways for meeting payment for fire-protection service are: (1) A unit charge per hydrant in service. This is perhaps the most common method, although it has little or no rational basis in fact, because the number of hydrants is no measure of the amount of money invested in the water-works for fire-protection purposes. (2) A unit charge per capita of population is sometimes made. This also is illogical, because there is no direct connection linking population, property value, and water department expenditure for fire protection. (3) The method most approved by public utility commissions in rate-making decisions is a composite charge consisting of a unit charge per hydrant for maintenance and depreciation, plus another unit charge for pipe capacity and other costs of excess service per linear foot of pipe in service.
>
> The total amount which a city should pay to its water department for fire-protection service may be obtained as follows: (1) Ascertain the proportion which the extra cost of the water-supply system, due to its fire-protection service, bears to the total cost of the works. (2) Determine the annual amount necessary to operate the works, including interest and sinking fund payments, and of this total allocate that portion to fire protection which the extra cost due to fire-protection features is to the total cost of running the works.
>
> Fortunately there are on record many rate cases where these determinations have been made, and ratios can be established for the average case which are sufficiently accurate for general use or for a preliminary estimate. These studies show that the smaller the town the larger the proportional charge for fire protection. For example, for a town of 10,000 inhabitants, 60 per cent of the total cost of the works is found to be for fire protection, while for a city of 300,000 only about 13 per cent of the total cost is thus allocated.
>
> The only bearing that the number of hydrants has in the making up of the fire-protection cost is in the annual charge for maintenance and depreciation of these appurtenances. The method of placing a per capita charge for fire-protection service of the water department, while less in evidence than the hydrant charge, is also illogical and probably an accompaniment of the nearly obsolete fixture charge for water supply. It appears just as reasonable to charge a per capita rate for household service regardless of the amount used as to charge for fire protection regardless of property defended.
>
> How the excess investment for fire protection shall be paid for is the question that has bothered many public service commissions.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

The Next Conference will meet with the National Municipal League on November 14, 15, and 16, at Washington, D. C., with headquarters at the City Club. The Conference will have the entire first day, and the mornings on succeeding days available. The executive committee will act as program committee.

⁂

Charles B. Ryan, for some time chief accountant of the Municipal Research Bureau of Cleveland, has resigned to become secretary of the Cleveland City Club.

⁂

Mayo Fesler, until recently secretary of the Chicago City Club, for many years active in civic work in St. Louis, Cleveland, and Brooklyn, has returned to Cleveland as secretary of the newly constituted Cleveland Citizens' League, located in the Swetland Building.

⁂

The Detroit Bureau of Governmental Research has recently issued a number of *Public Business,* dealing with the finances of the department of street railways, designed to give an accurate and dispassionate statement of the financial results of municipal ownership, a subject concerning which there has been extensive controversy.

⁂

The Detroit Bureau of Governmental Research has had a number of recent resignations of staff members to become associated with other agencies. Mr. Percival Dodge becomes assistant secretary of the Detroit Community Fund; Mr. Robert Kneebone becomes secretary of the Charleston, West Virginia, Community Fund; and Mr. Robert Buechner becomes city manager of Grand Ledge, Michigan.

⁂

Hume Bacon, formerly with the Institute for Public Service, is now connected with Sanday & Company, Wheat Exporters, at 8 Bridge Street, New York City.

R. P. Farley, formerly director of the Citizens' Research League at Winnipeg, Canada, is now editorial writer for the Philadelphia Bulletin.

⁂

Arch Mandel has resigned from the Detroit Bureau of Governmental Research to become director of the Dayton Research Association. The Association will do both civic and social research, and is supported by the Dayton Foundation. Dr. D. F. Garland, president of the former Bureau of Municipal Research, is president of the Association.

⁂

Solon E. Rose, until recently lieutenant commander in the U. S. Navy, and a graduate of the Naval Academy, has taken over the work of the Detroit Bureau relating to police and education, formerly in charge of Arch Mandel.

⁂

Library Material of every character will in the future be deposited with the National Municipal League. Bureaus are requested to send to the Conference secretary copies of all current reports so that notes may be made concerning them, after which such material will be forwarded to the library at New York.

⁂

James W. Follin, after four years of excellent accomplishment on the staff of the Philadelphia Bureau of Municipal Research, resigned on July 1, 1923, to become research engineer of the Pennsylvania state highway department. While with the Philadelphia Bureau Mr. Follin was in charge of a number of important assignments including the significant part played by the Bureau in bringing about the transition from contract to municipal street cleaning. One o Mr. Follin's last assignments was work in connection with the state highway system fo Governor Pinchot's Committee on Reorganization, which attracted the attention of the stat authorities and resulted in his appointment.

⁂

Tokyo, Japan, in 1922 organized the Institut for Municipal Research under the initial direc tion of Prof. Charles A. Beard. The president of the Institute is Viscount S. Goto, and the permanent director is Mr. K. Matsuki, to be addressed at the Yurako Building, Marunouchi, Tokyo.

◆

The London Institute of Public Administration, 17 Russell Square, W. C. London, England, has as president the Rt. Hon. Viscount Haldane, and as secretary, Mr. H. C. Corner.

◆

H. C. Tung, formerly a student of municipal administration at the University of Michigan, is director of a research bureau at Shanghai, China. The organization is known as the Provisional Bureau for the Municipality of Wosung, Port, 22 Kiu Kiang Road, Shanghai.

◆

Seattle, Washington, has recently established a bureau of research under the name of the Voters' Information League, 301 Haller Building. Mr. Alexander Myers is president, and Mr. J. V. A. Smith, secretary.

◆

The Spokane, Washington, Research Bureau is known as the Taxpayers' Economy League, 1305 Old National Bank Building. Mr. J. J. Hammer is president, and Mr. Lester M. Livengood, manager.

◆

Hart Cummin is secretary of the Tax and Economy Bureau of the El Paso Chamber of Commerce, organized to carry out the recommendations made in the recent survey of the El Paso city government.

◆

James E. Barlow, city manager of New London, Connecticut, and formerly engineer of the Cincinnati Bureau of Municipal Research, has resigned.

◆

The Death of Mr. John T. Child is reported with deep regret. Mr. Child was a graduate of Cornell University in 1912. Being engaged in construction engineering for five years, he joined the staff of the Rochester Bureau of Municipal Research in 1917. During the war Mr. Child was a first lieutenant of the sanitary corps. Mr. Child's invariable courtesy and kindness endeared him to every member of the Conference.

A Committee on Municipal Budget Procedure to formulate next steps has been appointed by the chairman of the Conference as follows: C. P. Herbert, chairman (St. Paul); Walter Matscheck (Kansas City); Arch Mandel (Dayton); and Arthur E. Buck (New York City).

◆

A Committee on Municipal Accounting Procedure to formulate next steps has been appointed by the chairman of the Conference as follows: Robert J. Patterson, chairman (Philadelphia); H. P. Seiderman (Washington); C. E. Higgins (Rochester); William Watson (New York City); and C. E. Righter (Detroit).

◆

Prof. Thomas H. Reed, formerly city manager of San Jose, California, has largely taken over the work in municipal administration at the University of Michigan, carried by Prof. R. T. Crane. Professor Crane is giving his attention to other branches of politics.

◆

Summer Surveys by the Institute for Public Service, Gaylord C. Cummin, C. E., in charge, include a bond study and a constructive city government survey of Woonsocket, Rhode Island, and a city survey of Brockton, Massachusetts. A build-as-you-go school survey of Mt. Vernon, New York, was finished, its main feature being answers to nine questions from the board of education, and the preparation of a list of over 200 high spots.

◆

School High Spots from different parts of the country and different types of school were printed in three New York newspapers this last summer. The high spots were furnished by students at Columbia University's summer session who visited the school text-book exhibit of the Institute for Public Service. Short paragraphs and special stories about advance steps in over twenty states showed that an experience of incalculable value is represented in a summer school if only faculties will try to bring out the best things which student-teachers have done.

◆

Harry Freeman, formerly city manager of Kalamazoo, who has been representing the Upjohn Company in London, England, has returned to Kalamazoo, where he continues with the same company.

NOTES AND EVENTS

City Manager Named for Norfolk.—Charles E. Ashburner, who resigned the managership of Norfolk, Virginia, to become manager of Stockton, California, at a salary of $20,000 a year, has been succeeded by Colonel William B. Causey, an engineer of wide reputation. Colonel Causey's salary will be $20,000 a year, which makes him and Mr. Ashburner the highest paid managers in the United States.

✤

Akron Drops Manager Charter.—By a majority of 172 out of 14,000 votes cast, the city charter of Akron, Ohio, was amended on August 14, to abolish the position of city manager and transfer to the mayor his power and duties. Whoever is elected mayor next November will have power to appoint all department heads, and will receive a salary of $7,000 per year. The vote was extremely light, only about a fifth of the registered voters taking part. A fuller account of the situation will be given in our next issue.

✤

County Grand Jury Recommends Home Rule Charter.—Another grand jury has reported favoring a change in the form of government for Sonoma County, California. It found flagrant irregularities in the use of funds running over a period of many years. A budget system is recommended and the supporters are urged to call a special election to vote on the county charter.

✤

The Seattle Charter Situation, 1923.—The present charter of the city of Seattle has developed by the process of local amendment from the home rule charter adopted in 1896. In general the municipal organization provided for is of the "federal" type; that is to say, the administrative responsibility rests almost entirely in the mayor. He has power to appoint practically all department heads, with the approval of the council, and to "direct and control all subordinate officers of the city," with a few exceptions. He has also the usual veto power over the acts of the city council, which consists of nine members elected at large for terms of three years, three being elected each year. The ward system was abolished in 1910.

Seattle has grown rapidly, and her charter-garment has not kept pace with her development. At sixteen different elections from 1900 to 1922 the voters have adopted one or more amendments. In the 1920 election sixteen amendments were adopted at one swoop. Despite these numerous changes in detail, growing pains continue to be felt. The evidences of popular dissatisfaction are numerous. Officials also, from mayors down, have had important charter changes to suggest. As long ago as the spring of 1914 a committee of the Municipal League reported its belief that "the present charter scheme of government is defective in that it separates the powers of the city government, divides authority and permits shifting of responsibility between the separate executive and legislative departments and results in continual friction between these departments." Some of the present trouble arises from a little more friction and discord than commonly exists between these branches.

The Municipal League committee referred to above recommended the adoption of the city manager plan of government with a council of 9 to 15 members elected at large by preferential voting. A minority favored retention of the ward system. A board of freeholders elected at about the same time drafted a new and complete charter for Seattle, covering 53 closely printed pages. This document provided for a council of 30 members elected from as many wards, although residence in the ward was not required. The mayor, elected at large, was to preside over the council without the power of voting, and was to be head of the police department. Elections were to be by a system of preferential voting. A city manager was to head the administration under the council. This proposed charter secured but little public support, and was rejected at an election on June 30, 1914.

In 1922 the Municipal League appointed another committee to consider the question of a new city charter, and again, early in 1923, it received a report urging adoption of the city manager plan. This time the committee report took the form of a completely drafted charter, with a summary of the arguments in favor of it. The draft is well phrased and reasonably brief, and follows in its main outlines the N. M. L. Model Charter. The council is to remain as in the present city government, a body of nine members elected at large. The mayor is to be chosen by this body from among its own members. He is to preside over the council, and is to sign all bills in its presence. The city manager is to be appointed in the usual manner, and has the ordinary powers. Provisions are made for the merit system of appointment, and for the initiative, referendum, and recall.

The league speedily adopted the report, and transmitted it to the city council with the request that it provide for the election of a board of freeholders to draft a charter upon the lines suggested. The time was short, however, and the exponents of the plan lacked the necessary support to have the ordinance calling the election passed as an emergency measure. The proposed charter is not much closer to a popular vote, therefore, than it was six months ago.

While other organizations have come to the support of the manager plan, the committee of the Municipal League has reconsidered the question of tactics. The present plan of the committee is to amend the present Seattle charter by incorporating in it all the essential city manager principles, and to submit this amendment after approval by the League, directly to the council instead of asking for the elections of a board of freeholders. The council itself has power to submit charter amendments to the voters, and since a number of the present council members are favorable to the manager plan, there is reason to hope that appropriate action can be obtained from that body.

William Anderson.

✤

Municipal Legislation in Illinois.—The results of the Legislative session of 1923 in Illinois were negligible viewed from the standpoint of constructive progress in the field of municipal government. The city manager bill, the proposals for uniform accounting, and a number of other forward-looking and liberalizing measures were lost. The cities and villages of the state were reduced to the desperate situation of waging a session-long struggle to prevent their revenues from taxation from being reduced two-thirds below the present level. Aside from the success attending this effort, the defeat of certain undesirable bills and the development of a spirit of co-operation and unity under the leadership of the Illinois Municipal League were the net gains from the recent legislative experience. There were some modifications of existing laws tending to improve the provisions governing technical or procedural matters, but these were mostly of an incidental nature.

The cities formulated their legislative program at the annual meeting of the League last December, and appointed an able committee to conduct the legislative campaign in its behalf. The principal objectives were: (1) The permanent establishment of the present corporate tax rate of 1.33⅓. The rate lapsed back to the pre-war rate of .80 unless the legislature re-enacted the increase to the present rate and extended its operation. (2) Provisions for the establishment of uniform accounting with report to and publication by some state agency. A bill of this kind had failed at the 1921 session. (3) The amendment of the city manager act so as to give it greater flexibility and make it available to all down-state municipalities. The 1921 act was limited to municipalities of 5,000 or less population, and set up such an elaborate and rigid departmental system that no municipality of that size could afford to experiment with it. As a result it has not been adopted by any of the several which have contemplated giving manager government a trial. (4) Certain modifications in the local improvement act, especially those relating to public benefits and engineering costs.

Out of the 1,404 bills introduced in the general assembly, 134, approximately one-tenth, directly affected cities and villages. Of those which were enacted, two modified the commission plan, two had to do with municipal elections, two altered the provisions governing the incorporation and dissolution of villages, nine amended the law relating to public improvements, twenty-three related to municipal finance, three to municipal officers, three to parks and playgrounds, three dealt with sewage disposal, and six had to do with miscellaneous matters,—a total of fifty-three new laws.

Out of this legislative struggle the Illinois Municipal League has emerged stronger than ever before in its history. The character of the situation gave it exceptional opportunity to establish its leadership and win the confidence of municipalities which were not members. The cities and villages came to appreciate the necessity of organization. On September 1, the League secured the full-time services of a secretary for the first time in the ten years of its organization. Moreover, the League has won the confidence of the members of the general assembly. It has been the studied purpose of the legislative committee, headed by Mayor E. E. Crabtree of Jacksonville, to seek legislative action only on matters which could reasonably be deemed to merit it, and furthermore to place the research and informational facilities of the League at the disposal of members and committees of the assembly whenever assistance was sought.

Municipal progress in Illinois comes with great travail. The state has contributed very little to the solution of municipal problems in this country, and has been slow to appropriate the solutions worked out elsewhere. For all the disappointments attending the recent legislative session, there is compensation in the awakened municipal life of the state, and in the development of channels through which it may express itself more effectively in coming years.

Russell M. Story.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, ETC., OF NATIONAL MUNICIPAL REVIEW

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The National Municipal League. H. W. DODDS, *Editor.*

Sworn to and subscribed before me this 25th day of September, 1923.

HENRY J. WEHLE,

Term expires March 30, 1925. Notary Public, Queens County, Certificate Filed in New York County.

PROPORTIONAL REPRESENTATION
Best Basis for the City Manager Plan
Send 25c for Lft. No. 10 (How P. R. Works in Sacramento) and new Lft. No. 5 (Explanation of Hare System of P. R.)
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NATIONAL MUNICIPAL REVIEW

VOL. XII, No. 11 NOVEMBER, 1923 TOTAL No. 89

THE WASHINGTON MEETING

All Welcome.—All, whether members of the National Municipal League or not, are cordially welcomed to the meeting. For program see opposite page.

*

Allied Organizations Meeting at Same Time and Place.

City Managers' Association, November 13–15.
Governmental Research Conference, Nov. 14–16.
National Association of Civic Secretaries, Nov. 15–17.

*

Local Headquarters.—All meetings will be held at the Washington City Club, 1320 G. Street N. W. The club has generously thrown open its house for all attending the convention. As there are no dormitory quarters at the club, hotel reservations will be necessary.

*

The Following Hotels Are Suggested as Being within Easy Walk of the City Club:

	Distance from City Club	*Single with Bath*	*Single without Bath*	*Double with Bath*	*Double without Bath*
Harrington	3 blocks	$3.50	$3.00	$5.00	$4.00
Willard	2 blocks	5.00	3.00	7.00	5.00
Washington	3 blocks	5.00	....	8.00	....
Shoreham	3 blocks	5.00	4.00	6.00	6.00
Franklin Square	3 blocks	3.50	2.50	5.00	4.00

*

Sightseeing Trip Around Washington.—On Friday afternoon, November 16, we shall be the guests of the Washington Committee on the Federal City Plan of the American Civic Association upon an automobile tour of Washington. The autos will leave the City Club at 3.30 o'clock and will return in time for the business meeting.

The American Civic Association has been very influential in preserving and promoting a city plan for the National City of which present and future generations may be proud. This is a rare chance to see Washington under helpful auspices.

Special Opportunity to Observe Washington Government.—Due to the hospitality of the Commissioners of the District of Columbia, a schedule of trips has been worked out to enable all those attending the convention to select the activities in which they are interested and to see the work under the direct leadership of the head of the department concerned. A special trip will also be made to the Bureau of Standards where everyone can see how that institution is helping and can help the cities. The schedule appears in full in the printed program. Write for a copy if you have not received one.

⁂

Reduced Railroad Fares.—Special railroad fares to Washington and return at the rate of one and one-half times the one-way fare will be available to those attending the meetings of the National Municipal League and the City Managers' Association, provided that at least 250 persons follow out the procedure prescribed by the railroads. Although the saving to those within short distance of Washington may not be great, everyone is urged to secure certificates before leaving home and to have them validated in Washington. You will thus help to complete the necessary quota, a kindness which will be much appreciated by those from a distance.

Each person and his (or her) dependents should buy *one-way tickets* to Washington between November 9 and 15. For each ticket purchased secure a certificate, *not a receipt*. Upon arrival in Washington deliver the certificate personally to John G. Stutz, secretary of the City Managers' Association, before 5.00 P.M. on November 15. If a total of 250 certificates are secured, they will be validated and the holders will be permitted to return by the same route they came for one-half the usual fare. Return tickets must be purchased before November 21.

⁂

Saturday, November 17, a Free Day.—In order that those anxious to visit the various points of interest may do so without missing any of the regular sessions, no formal meetings will be held Saturday. It is hoped that members and guests will postpone their sightseeing until the third day. Government departments are open on Saturday as on other days.

Schedule your sightseeing parties for Saturday and you will miss nothing on the program.

⁂

Meeting Rooms.—Dinner Session, Thursday in ballroom: all other meetings in blue room, City Club.

PROGRAM OF THE MEETING OF THE GOVERNMENTAL RESEARCH CONFERENCE

CITY CLUB, WASHINGTON, D. C., NOVEMBER 14, 15, 16

Wednesday, November 14

9.30–12.00 W. F. Willoughby, Presiding.

Statement by Presiding Officer.

Statement by Conference Chairman.

Report of the Executive Committee of the Conference on the tentative constitution, with discussion and action.

12.30–1.45

Informal lunch.

Report by Frederick P. Gruenberg on the National Conference on the Science of Politics.

2.00

Report by H. W. Dodds, Secretary of the National Municipal League, on a proposed plan for a Central Research Agency and clearing house of the Conference in co-operation with the National Municipal League.

6.30–8.00

Informal dinner to be devoted to three-minute statements of the year's most important accomplishments, concluded in time for the theaters.

Thursday, November 15

8.30–9.30

Round table breakfasts on budget and accounting procedure.

9.00–12.30 Herbert D. Brown, Presiding.

Tests of good government, followed by discussion of bureau problems and methods of work.

12.30–2.00

Joint lunch with the National Municipal League on Municipal Transportation.

Friday, November 16

9.30–12.30 Henry M. Waite, Presiding.

Joint meeting with the National Municipal League on Problems of Public Works Administration.

ANNUAL CONVENTION OF THE CITY MANAGERS' ASSOCIATION

THE CITY CLUB, WASHINGTON, D. C., NOVEMBER 13, 14, 15, 1923

Tuesday, November 13

10.30 A.M. to 12 M.

Opening Session.
Address of Welcome—Cuno H. Rudolph, President of the Board of Commissioners of the District of Columbia.
Response—Louis Brownlow, President of the Association.
Announcements.
Appointment of Committees.

12.30 to 2 P.M.

Fellowship Luncheon—H. G. Otis, City Manager of Clarksburg, W. Va., presiding.
Introductions.
Report of the Secretary, John G. Stutz.

8 P.M.

Evening Session—Edwin J. Fort, City Manager of Niagara Falls, N. Y., presiding.
Round Table Discussion:
"The Relations of the City Manager—
"With the Council,"
George J. Roark, City Manager, Beaumont, Tex.
Albert L. Roper, Mayor, Norfolk, Va.
"With his Subordinates,"
C. Wellington Koiner, City Manager, Pasadena, Calif.
"With the Public,"
C. E. Ridley, City Manager, Bluefield, W. Va.
"With the Universities,"
Thomas H. Reed of the University of Michigan.
"With the Movement for Public Welfare,"
Howard W. Odum of the University of North Carolina.

Wednesday, November 14

9 A.M. to 12 M.

Morning Session—H. H. Sherer, City Manager of Glencoe, Ill., presiding.
Round Table Discussion:
"Problems of the City Manager in a Community of about 15,000,"
W. A. Layton, City Manager, Salina, Kans.
W. P. Hammersley, General Manager, Norwood, Mass.
B. H. Calkins, City Manager, Albuquerque, N. M.
"Problems of the City Manager in a Community of about 10,000,"
Frank D. Danielson, Village Manager, Hinsdale, Ill.
P. H. Beauvais, City Manager, Royal Oak, Mich.
"Problems of the City Manager in a Community of about 5,000,"
N. A. Kemmish, City Manager, Alliance, Neb.
J. P. Broome, Town Manager, Salem, Va.
Edd Wrenn, City Manager, Reidsville, N. C.
C. D. Forsbeck, City Manager, Red Oak, Ia.

12.30 to 5.30 P.M.

Luncheon in Alexandria, Va.—Wilder M. Rich, City Manager of Alexandria, presiding.

Visit to Mount Vernon, the home and tomb of George Washington.

Visit to the Arlington experimental roadways.

6.30 P.M.

Annual Dinner—O. E. Carr, City Manager of Dubuque, Ia., Toastmaster.

"The Importance of Municipal Government,"
Herbert Hoover, Secretary of Commerce.

"The Origin of the City Manager,"
Richard S. Childs, Vice-President National Municipal League.

Thursday, November 15

9 A.M. to 12 M.

Business Session.

"City Managership—a Profession" of Gen. J. P. Jervey, City Manager, Portsmouth, Va.

Round Table Discussion,
C. A. Bingham, City Manager of Lima, O., presiding.

2 P.M.

Visit to the Bureau of Standards.

6.30 P.M.

Joint dinner with the National Municipal League, Col. H. M. Waite, Toastmaster.

Progress of a Generation in Municipal Government,
George W. Wickersham, former Attorney General.

A Report on the First Election in Cleveland under the City Manager Charter,
Dr. A. R. Hatton.
Erie C. Hopwood, Editor, Cleveland Plain Dealer.

THE LAST IRISH ELECTION

PROPORTIONAL REPRESENTATION RETURNS REPRESENTATIVE BODY

BY GEORGE H. HALLETT, JR.
Assistant Secretary, Proportional Representation League

An analysis of Ireland's bloodless election of August last.

PRESS dispatches about the Dail Eireann elections of August 27 were characterized by such phrases as "the vagaries of proportional representation." Nevertheless, judged by present American election standards, the results were in many respects truly remarkable. Some of the so-called "vagaries" directly attributable to the use of P. R. in these first elections under the Free State constitution are here recorded.

REPRESENTATION FOR ALL

In not a single one of the twenty-eight election districts (not including the two special University constituencies) was the representation monopolized by one party. There were only six districts in which the representation was even confined to two parties. The preceding table shows the inclusive character of the new Dail.

REPRESENTATION SECURED BY THE SEVERAL PARTIES IN THE FOURTH DAIL EIREANN

Party	Seats	Per cent
Government	63	41
Republican	44	29
Labor	15	10
Farmer	15	10
Independent	16	10
Totals	153	100

Forty-six out of 153, or 30 per cent of the entire membership of the new Dail, are not members of either of the two major parties. Thirteen are independents elected from contested areas where three weeks before the election none of them had any effective organization. (The elections were not announced until August 8.) The presence of so many minority members is not regarded as an embarrassment by the Government, but as an aid in the intelligent solution of problems which concern the entire people. In fact President Cosgrave has publicly expressed regret that the Labor Party, which in the absence of the Republicans constituted the official opposition in the preceding Dail, did not elect more members.

AN ACCURATE REFLECTION

Each considerable body of opinion elected members in close proportion to its voting strength.

POPULAR VOTE FOR DAIL EIREANN
(Exclusive of University Seats)

Party	First-choice votes	Seats won	Percentage of	
			Votes	Seats
Government	414,314	60	39	41
Republican (Anti-Treaty)	285,924	44	27	30
Labor	142,388	15	13	10
Farmer	135,972	15	12	10
Independent	94,155	13	9	9
Totals	1,072,753	147	100	100

The Irish press classes all the Farmer, Labor, and Independent members as favorable to the Treaty. Accepting this classification as substantially correct, we have the following vote on the most important issue of the campaign, Universities being excluded:

	First-choice votes	Seats won	Percentage of	
			Votes	Seats
Pro-Treaty	786,829	103	73	70
Anti-Treaty	285,924	44	27	30
Totals	1,072,753	147	100	100

Both sides say that they did not poll their full vote, the Treaty supporters because of indifference or a lingering fear of the consequences of political activity, the Republicans because most of their candidates and many of their voters were either in jail or "on the run." Both sides complain of wholesale omissions in registration on account of the shortness of time allowed the registration officers. Be that as it may, all those who did vote were given a chance to express themselves freely for or against the Treaty and the results are an accurate reflection of their expression.

LEADERS ELECTED

Without the need of a primary, the election brought success to the particular candidates of each party who were most favored by the party's voters. Practically all the outstanding figures in Irish public life were returned. When the Dail reconvened on September 19 President Cosgrave was able to reappoint his entire cabinet from its number.

County Dublin elected from the same district Minister for Home Affairs Kevin O'Higgins; Minister for Foreign Affairs Desmond Fitzgerald, one of the Free State delegates to the League of Nations; M. J. Derham, another government member of the preceding Dail; Thomas Johnson, the leader of the Labor Party; Dr. Kathleen Lynn, Republican campaigner; Major Bryan Cooper, former Unionist member of the British Parliament; J. Good, business men's candidate; and Darrell Figgis, formerly honorary secretary of Sinn Fein, who helped draft the Free State constitution.

Joseph McGrath, minister of industry and commerce, and Patrick Rutledge, "Acting President of the Irish Republic," were both elected from North Mayo.

Eamon de Valera headed the poll in Clare with Dr. John MacNeill, minister for education, second. De Valera's surplus was large enough to elect B. O'Higgins, another Republican member of the preceding Dail, who on the count of first choices stood lowest on the poll with only 114 ballots out of 39,445. A large proportion of De Valera's supporters had marked Mr. O'Higgins as second choice. When more than half of their ballots were found not to be needed for De Valera, they put O'Higgins well up in the race, ahead of the other three Republican candidates, whose ballots, when they were defeated, completed his quota. This was a striking example of the way in which the transferable vote feature of P. R. enabled the voters to make their ballots effective, not only for parties but for individuals, without giving any thought to the relative strength of the parties or to the candidates' supposed chances of election.

Five women were elected. They include Margaret O'Driscoll, sister of Michael Collins, Mary MacSwiney, Countess Markievicz and Mrs. Cathal Brugha. Four other women had previously been elected to the senate.

There was no violent fluctuation in the relative strength of parties as compared with the preceding Dail, also elected by P. R. The total membership being increased from 128 to 153, the Government party gained 5 seats, the Republicans 8, the Farmers' party 8, and Independents 6. Labor lost 2 seats, largely due to internal strife. There was a satisfying continuity of personnel. Members of the third Dail were re-elected as follows: Government 37, Republicans 14, Farmers 5, Labor 9, Independents 6, Total 71. Nineteen members were defeated.

GOOD FEELING PREVAILED

The elections, to quote an editorial in the *Irish Independent*, "were, perhaps, the most peaceful elections in this country for a generation. There was no intimidation, and very little personation." Each group knew that it was sure of electing its share of the members without making desperate efforts to win a few scale-turning votes and that nothing it could do could keep other groups from electing their share also. The *Evening Telegraph* said, with approximate accuracy: "Not a drop of blood was spilled during the whole day. The British and foreign press is disgusted, and rightly so. They expected to have moving stories of gunmen shooting up the polling stations and registering the will of the people in bullet holes and hospital lists. They anticipated a war and got only an election." At the conclusion of the counts in Clare and Kerry compliments were exchanged publicly by Government spokesmen and Republicans. Both parties had been successful.

In Kerry, Fionan Lynch, minister of fisheries, "trusted that as the Government's opponents had used the ballot box they would proceed on constitutional lines and help to build up the nation." Similar sentiments were expressed by other Treaty supporters and by President Cosgrave himself. At the time this article is written, the Republicans are persisting in their policy of non-participation in the Dail. There can be little doubt, however, that the full effect given the Republican votes in the election of 44 members has strengthened the hands of those opponents of the Treaty who counsel the achievement of complete independence by peaceful means.

Government supporters, meanwhile, do not reproach P. R. for Republican successes. They take the view of Dr. Sherlock, returning officer for Dublin: "A country does not get rid of difficulties by simply ignoring dangerous situations. The P. R. system, while preserving majorities, secured representation for substantial minority views."

AKRON DROPS CITY MANAGER

BY EARL WILLIS CRECRAFT

University of Akron

By a majority of 172, the voters of Akron have transferred to the mayor the functions of the city manager. :: :: :: :: ::

AKRON has done away with the city manager plan and has greatly increased the powers and duties of the mayor by adopting a number of amendments to the charter at the August primary.

The city has been operating under a manager charter for over three years. In that time it has had three managers, each one selected locally. The first was a lawyer who had formerly been mayor. When the charter went into effect he was again elected mayor, but immediately after being inducted into office, he resigned and was elected city manager by a council composed largely of his own political associates. This drew forth much criticism which lasted more than a year. Eventually he was removed by vote of the council. The second manager was a business man. The third is an engineer, formerly at the head of the city water works.

At the recent primary ten amendments to the charter were adopted by the voters. These amendments had the support not only of the two leading newspapers representing the two major political parties, but also of the two party organizations. The friends of the city manager charter were represented in the campaign by a non-partisan committee of one hundred citizens whose membership was made up largely of chamber of commerce members, former charter commissioners, and other non-political groups.

SENTIMENT CLOSELY DIVIDED

About 31 per cent of the registered voters of the city voted on the charter amendments. The vote stood 7,266 for, and 7,094 against. The manager plan was thus voted out by a majority of only 172. Sentiment was pretty evenly divided.

The amendments concern the office of mayor as well as manager. They also concern the city council. The section of the charter creating the office of city manager is repealed, and his duties transferred to the mayor. The mayor will continue to be elected for only two years. His salary is to be $7,000. He ceases to be the presiding officer of the council, but he retains his veto power and succeeds to the manager's right to take part in the discussions of the council and to submit measures for their consideration.

The mayor also inherits the manager's right to appoint a law director, individual heads of the public service, safety, social service, and finance departments, and members of the civil service commission. Other duties of the mayor are supervision over the enforcement of law; informing council on the city's financial condition; making recommendations to council; exercising control over all departments; supervising the carrying out of the terms of the various franchises; submitting to council for adoption an administrative code including details of administrative procedure. He retains his former duties of appointing and removing members of the sinking fund commission, the city-planning commission, the trustees of the public library, and the directors of the municipal university.

MAYOR'S OFFICE ENHANCED

The spirit of the amendments is to enhance the power and the position of the mayor. The council formerly had the power of appointing and removing the city manager. The mayor is independent of council and exercises the combined duties of manager and mayor. In only one provision of the charter as it now stands is there a suggestion that the council may have some degree of control over the mayor by express authority. This is the provision formerly applying to the manager to the effect that he "shall be responsible to the council for the proper administration of all the affairs of the city." In a national parliamentary system such a provision might well be used to establish the principle of ministerial responsibility. But in the present instance one can safely predict that it will be of no value to the local legislative body. The council does not have the right to remove the mayor. The council may, however, decrease as well as increase the items of the budget. The provision for an independent audit by the council of the city's financial accounts is now repealed. Other changes of minor importance are included in the amendments adopted.

The most important feature among the ten amendments is the discontinuing of the office of city manager. Some may view it as the complete elimination or even repudiation of the manager idea, so far as Akron is concerned. Others will see in it a step towards greater concentration of responsibility and authority with an accompanying measure of popular control. Those who promoted the change used very effectively the argument that the federal as well as the state governments are based on the idea of popular election and control of their chief administrators, and that the city governments should be based on the same idea.

PLANNING AND ZONING PROGRESS IN MASSACHUSETTS

BY EDWARD T. HARTMAN

State Consultant on Housing and Planning, Massachusetts

What is happening in the state which has made a general grant of zoning and planning powers to the localities. :: :: :: ::

In the matter of legislation Massachusetts uses a method distinctly superior to that of many other states. She is at times inconsistent in that she does occasionally pass special legislation, but she is honest about it, does it directly and openly, without the subterfuge of "first," "second," and so on class cities. Massachusetts has some first-class cities, but she has no cities of the first class. She does not grade her cities by population for the specific political purpose of evading an American tradition.

What does it amount to? It amounts to this, in the main, that when Massachusetts passes social legislation she applies the principle to her entire area. She does not apply it, as is so often done, to the largest, and therefore the worst, as very commonly happens in certain respects, and refuse relief or constructive action to other places till they have become so injured that the remedy does little good. In order to avoid too drastic action she at times makes a law mandatory in all places down to a given population and thereafter permissive, or she may make it permissive throughout or mandatory throughout, as conditions warrant.

GENERAL GRANTS OF POWER

As a result Massachusetts grants more powers to localities generally than are commonly found. The following are some examples of laws which apply, or which by municipalities may be made to apply, throughout the commonwealth: Housing, planning and zoning; playgrounds, parks and recreation; juvenile courts and probation; physical training, medical inspection, school nursing and dental clinics; regulation of street trades, child labor and hours of labor for women. Others might be mentioned, but these will illustrate the principle.

This all accounts for the nature of the Massachusetts planning board law, which reads in part as follows:

> Every city and every town having a population of more than ten thousand at the last preceding national or state census shall, and towns having a population of less than ten thousand may, create a planning board, which shall make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants.

It will be noted that this law lays special emphasis on housing. This reflects one of the leading interests of the people at the time the law was written. Taken together with other powers specifically provided elsewhere and with the board of survey act and the zoning act, it is now felt that Massachusetts municipalities have practically all the powers which the conditions warrant.

The net result to date is that sixty-two planning boards have been established. Some places which should have boards have not taken action. Not all the boards have been active, but a recent study of the boards by direct contact shows a most encouraging development during the past three years. The most significant thing is the state of awareness of the problems with which the various boards are confronted. Excellent progress has been made in many directions. But it must be remembered that the movement is new and the number of trained, even interested, persons available for the work was most limited when the law was passed. It is encouraging to find now from a few to many people in every community who are keenly interested and alive to the many problems which come under the head of planning board work. The range is most encouragingly wide. Here are some of the items under consideration, all of them represented by successful accomplishment in many places.

SUCCESSFUL ACCOMPLISHMENT

Through ways or main thoroughfares are being widely developed and everywhere considered. The development of the automobile is responsible for this. Local traffic and through traffic have to be accommodated so that each will as little as possible interfere with the other. Main thoroughfares are being paralleled by new thoroughfares and it is significant that all the special planning studies have particularly and carefully developed this subject. The need is great. There are a number of places with many ways leading into them from several directions but with no proper means of transit through the most built-up area. There may be but one way through the center, and this may be accompanied by jogs and turns, at times all routes from all directions having for a space to use in common a single street, with consequent congestion, confusion and delay. The important point is that the problem is recognized.

Setbacks or building lines, for the purpose of widening streets by the most economical and evolutionary method, are being actively established. In this respect Brookline easily takes the lead. During the twelve years ending with 1921 she had arranged for widening thirty-six streets through a total length of 62,472 feet. By this action Brookline adds 572,856 square feet to her street area and aids enormously in the solution of her traffic problems.

City and town maps are being produced as never before. Many places have had no satisfactory maps, showing the street system even. Contour, street and property line maps are of imperative value in all planning and zoning work. At the suggestion of the Massachusetts Federation of Planning Boards many of the maps are being made on the scale of four hundred feet to the inch. This gives a satisfactory scale and enables the combined problems of two or more places to be studied with ease. In connection with all zoning problems it is important that all maps be drawn to scale, for width of streets and size of blocks as well as for length of streets. This has not been done in some cases.

ZONING EPIDEMIC

Zoning is becoming epidemic in Massachusetts. Not a great many places have zoning laws in actual operation, but many places are studying their problems and drafting schemes. Good progress is being made and the extent of the movement may be indicated by the statement that practically every place with a planning board is considering it. Under the Massachusetts law every foot of her area may be zoned. The law is not retroactive and much effort is being put into studies of the spirit and traditions of places, as well as into actual and prospective developments. It is generally admitted that enlightened self-interest requires zoning everywhere. After zoning becomes common the unzoned places becomes merely an unrestricted area in a larger district. There is no place so poor but that there are numerous values to be conserved and zoning is the only way to do it.

The playground and park movements are relatively old in Massachusetts, but they are now making good progress. Park areas are being taken, but still more numerous are the takings and gifts for playgrounds. There is some difference of policy among the places, some developing particularly in connection with the schools and others independently. The school and the playground are so closely related and have so many interdependent values that it is well to tie them together as far as possible. The example of Wellesley is specially commendable. Three small schools are now being built, located with special reference to present and future needs. For two of them four and one-half acres each have been taken and for the other five and one-half acres. "What might have been," the common lament among school and playground authorities, should give way to a vigorous consideration of "what may be, if we do our duty."

A number of boards, in co-operation with the boards of survey, are laying out the main ways for undeveloped areas so as to tie them up with the present street system and provide what will best serve the interest of the landowners and the communities. The protection of the beds of mapped streets offers a problem which will probably require additional legislation. The board of survey act provides that if the streets of a land development do not receive the approval of the board of survey the town need not provide any sewers, water, lights, or do any public work in such streets. It is conceivable, however, that people might build as they pleased and develop a situation which would become a menace and a nuisance to the entire community. The board of health might then step in and order the town to provide sewers or do whatever might need to be done. It is obvious that the orderly development of communities requires plans. The board of survey or the planning board must have power to lay out, or at least to approve and enforce the plan. The legislature will have to settle the question.

Housing and building laws are being considered in a number of places. Building laws, relating to fire prevention and strength of materials, continue to progress. But housing features, light, ventilation, sanitation and the prevention of harmful congestion, are waiting for a new idea. Housing laws are not very popular. Zoning laws may protect the community in the matters mentioned, and are doing something where zoning is in operation, but zoning authorities are not in agreement as to what to do or how to do it. The best device so far developed is to limit the number of families to a given area. Some do not approve of this. However, health, morals, general welfare and the avoidance of traffic congestion require that some limit be set. The best dictum so far found is that "the way to prevent congestion is to prevent it," either by requiring so much area per family housed or limiting the number of families to a given area. Both methods are being used in a limited way. Here is a place where study must be given. A method will have to be devised. Every year that passes without it only adds to the complications. The only people who will ever profit by congestion are those who unload inflated values on others. A building that steals its light and air can't always steal it. When it ceases to be able to steal it the owner will be sorry for himself. One of the biggest things zoning can do is to prevent thievery of light and air. What one man gets, that is not his, another man goes without. Planning boards can't too soon get about this matter.

BOSTON REACTIONARY

Rapid progress is being made, but it is not entirely unaccompanied by reaction. Contrast, for example, Springfield and Boston. Springfield promptly zoned her area so as to promote regulated growth and then proceeds with her plan, the streets and all being developed in accordance with the demands of the various use areas. To promote growth she reaffirms her height limits and broadens her streets in a number of places.

Boston, on the other hand, though having a most complicated and unsolved in and out way problem, hemmed in as she is by the ocean and its many arms and the rivers running into them, and by Beacon Hill, with a rigid limit to her means of ingress and egress except at enormous expense, "to promote growth" increases her building heights. Her flow of traffic is slowed down in every direction and she goes at solving the problem by increasing the amount of traffic. She does this in spite of the lessons of the past. Boston was the first city in the country to zone, in effect, for height.

This very action accounts for the fact that her traffic problems are no worse than they are, bad as they are. No new ways in and out are in sight. Street-car transportation is crowded to a dangerous and indecent degree, in spite of a 100 per cent increase in fares. All other traffic lines are crowded and many people park automobiles outside the city limits. Her solution is to increase the amount of traffic.

The step is not only injurious but it is revolutionary. What about the rights of the hundreds of property owners who have built under the old law? If zoning changes of such a radical and sweeping nature may be made over night for entire areas, it isn't zoning at all, it is leaving things to whim, in this case, to the whim of an outsider who wanted to do what he had no business to do.

Weymouth, like Boston, has taken a backward step by getting the legislature to cancel her acceptance of the Town Housing Law. She now has nothing. If you want to do as you please go to Weymouth. There the gate is wide open and the bars are all down.

REPRODUCTION COST HAS NOT BEEN ADOPTED BY SUPREME COURT

FURTHER DECISIONS ON FAIR VALUE FOR RATE MAKING

BY JOHN BAUER

Public Utility Consultant, New York City

A rate which gives a reasonable return on actual investment will not be overthrown by the supreme court. :: :: :: :: ::

In the September number of the National Municipal Review, the writer discussed the basis of public utility valuation as affected by the decision of the supreme court of the United States in the Southwestern Bell case. (*The Southwestern Bell Telephone Company* vs. *Public Service Commission of Missouri*, 67 Law Ed., U. S., 619; decided May 21, 1923.)

Since that article was written, the same court has handed down two more decisions, which, taken together with the Southwestern Bell case, show much more clearly than ever established before, what is the ultimate measure of confiscation in public utility rates fixed by legislatures or commissions. The two cases will be referred to as (1) The Bluefield Water Case, and (2) The Atlanta Gas Case. (*Bluefield Waterworks and Improvement Company* vs. *Public Service Commission of the State of West Virginia*, 67 Law Ed., U. S. 715; and *Georgia Railway and Power Company* vs. *Railroad Commission of Georgia*, 67 Law Ed., U. S. 728; both cases decided June 11, 1923.)

The three cases furnish the latest expression of the supreme court on the much discussed and controverted question as to what is "fair value" for rate-making purposes, or more particularly what is the minimum basis of valuation that must be used in fixing the return on public utility properties so that the rates prescribed by a legislature or a commission may not be declared confiscatory by the courts. In the classic case of *Smyth* vs. *Ames* (169 U. S. 546, 547), the supreme court stated that a company is entitled to a fair return upon the value of the property employed in the public service, and that in determining the fair value consideration should be given to the original cost of construction, the amount expended in permanent improvements, the amount and market value of the bonds and stocks, the present as compared with the original cost of construction, also other matters that may be pertinent in a particular case.

This rule is obviously indefinite and cannot serve as a clear-cut measure. In the application of the rule, therefore, a sharp controversy has developed whether the primary basis of valuation should be the *original cost* of the properties or the *reproduction cost* at the time of the rate making. The divergence has become particularly keen in recent years, following the great increase in prices. Prior to the war, the difference in most cases was not serious, and an exact determination was not extremely important. With the tremendous price upheavals, however, the question has become paramount in public utility rate regulation, and the recent decisions of the supreme court have special significance. The court has been struggling seriously with the question, and while it has not made a direct and specific pronouncement, the three recent decisions show clearly enough what is to be held as the final measure of confiscation. The basic question in all three was the fair value of the properties and the method of valuation used by the commission in rate making.

THE SOUTHWESTERN BELL CASE

In this case, the court declared confiscatory telephone rates fixed by the public service commission of Missouri. The commission had practically taken as the rate base the actual cost of the properties, less depreciation, without, however, making a detailed physical appraisal. In the majority opinion, the court criticised the commission because it obviously

> undertook to value the property without according any weight to the greatly enhanced cost of material, labor, supplies, etc., over those prevailing in 1913, 1914 and 1916. . . . It is impossible to ascertain what will amount to a fair return upon properties devoted to public service without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values, made upon a view of the relative circumstances, is essential. If the highly important element of the present costs is wholly disregarded, such a forecast becomes impossible. Estimates for to-morrow cannot ignore prices for to-day.

This decision was heralded as a positive confirmation by the supreme court that the companies are entitled to a return upon the reproduction cost of the properties, instead of actual cost. In the previous article, the writer expressed the opinion that the decision was not as positive as appeared from a first reading, and that the question of proper rate base was still open for reasonable consideration. This view has been confirmed by the two subsequent decisions, which throw a different light upon the situation.

THE BLUEFIELD WATER CASE

This case practically parallels the Southwestern Bell case. It involves water rates fixed by the public service commission of West Virginia, which were attacked by the company as confiscatory. In each case the state commission made a valuation of the properties on the basis of actual cost, less depreciation, and the rates were found confiscatory by the supreme court. On the matter of valuation, the majority opinion in the Bluefield case quoted with approval what was said in the Southwestern Bell case, and pointed out that no weight was given to cost of reproduction, less depreciation, on the basis of 1920 prices, and that

> this resulted in a valuation considerably and materially less than would have been reached by a fair and just consideration of all the facts. The valuation cannot be sustained.

THE ATLANTA GAS CASE

The Southwestern Bell and the Bluefield cases taken together would make a strong showing for reproduction cost; that it constitutes the proper rate base or must be given substantial weight in a final valuation. But on the same day as the Bluefield case, where the majority opinion was delivered by Mr. Justice Butler, the Atlanta Gas case was decided, with the majority opinion by Mr. Justice Brandeis. In this case, the gas rates for the city of Atlanta had been fixed by the railroad commission of Georgia. The rates were attacked by the company as confiscatory; they were reviewed by the district court of the United States for the northern district of Georgia and were sustained. Then the company appealed to the supreme court of the United States, and, contrary to the Southwestern Bell and Bluefield cases, the rates were upheld.

The valuation, as in the other two cases, had been based on actual investment. The property in existence on January 1, 1914, was valued substantially at its actual cost or its reproduction cost as of that date, and properties installed since January 1, 1914, were taken at their actual cost. There was allowed, however, an appreciation of $125,000 in the value of land owned by the company. The final valuation was $5,250,000, compared with $9,500,000 claimed by the company. The commission's findings, and the approval of the district court, were sustained by the supreme court with the statement that

> the refusal of the commission and of the lower court to hold that, for rate-making purposes, the physical properties of a utility must be valued at replacement cost, less depreciation, was clearly correct.

Mr. Justice McKenna dissented from the decision in the Atlanta Gas case, and presented a separate opinion. He viewed the decision as beyond reconciliation with the Bluefield and Southwestern Bell cases, because in the latter, reproduction cost was accepted as the proper rate base, or at least to be given substantial weight, while in the Atlanta case actual cost was approved. He properly considered that the allowance of $125,000 increment in land value had no consequential bearing. In his view "the contrariety of decision cannot be reconciled."

TECHNICAL DISTINCTIONS

Technical distinctions may be made between the cases, but they are not persuasive. In the Atlanta case, Justice Brandeis points out that "Here the commission gave careful consideration to the cost of reproduction, but it refused to adopt reproduction cost as the measure of value." The inference is that in the other cases reproduction cost was not considered, and that it was the *absence of consideration* which was the defect in the valuation. But mere consideration without giving actual weight to the reproduction cost would hardly be a distinction on which the rates would be sustained, while in the absence of such consideration (with the same basic facts) they would be declared confiscatory. Such a distinction is too flimsy to be entertained.

A procedural differentiation may be attempted on the point that in the Atlanta case the federal district court had made an independent survey of the record, while in the other cases where the rates were found confiscatory, the action was brought from the state courts and at least in the Bluefield case without independent consideration of the record by the lower court. But, again, these differences are trivial. The ultimate validity of rates fixed by a commission cannot depend upon the procedure by which the issue reaches the highest court of the land. It must finally rest, not upon whether the action started in a state or federal court, or whether an independent study of the record was made by the state or lower federal court, but upon the facts themselves whether or not there is confiscation. The supreme court will be controlled, not by formalities, but by the substance of the cases.

THE THREE CASES RECONCILED

Harmony between the three cases as well as the numbers of others decided by the supreme court can be shown only by distinguishing *what the court did* from *what was said* in the majority opinions. We must separate the actual *decisions* from the *dicta*.

In practically all of the analyses of the supreme court decisions, the thing emphasized has been what the court said in the majority opinions on the various aspects of valuation, and not the actual decisions whether or not the rates were found confiscatory. Persuasive statements can be selected abundantly from the majority opinions to support the reproduction cost contention, but also numerous citations can be made to sustain actual cost. If, then, we take *what the court said*, particularly in the three recent cases, there is the hopeless contradiction, by which Mr. Justice McKenna was outraged in the Bluefield case. But, if we consider throughout *what the court did*, the conflict disappears and there is harmony in the decisions; and this appears clearly in the three cases.

Reconciliation of the Atlanta case with the Southwestern Bell and Bluefield cases lies in the action of sustaining or declaring the rates confiscatory, and not in what was said about methods of valuation. In the two cases, the rates were inadequate on whatever reasonably available basis they were judged. They did not bring a fair return on the actual cost of the property, much less on the reproduction cost. It was on this ground that Mr. Justice Brandeis in a separate opinion in the Southwestern Bell case concurred in the reversal of the state court; he joined in declaring the rates confiscatory, but he did so because they did not bring a fair return on the actual investment. In his minority opinion joined in by Mr. Justice Holmes, he set forth actual investment as the proper base and objected to the reproduction cost, laid down by Mr. Justice McReynolds in the majority opinion.

In the Bluefield case, again the rates were declared confiscatory; again the majority opinion by Mr. Justice Butler set up reproduction cost as the proper rate base. Again, Mr. Justice Brandeis concurred in declaring the rates confiscatory; but he referred to his opinion in the Southwestern Bell case to explain the reason for his concurrence. He considered the rates invalid, not because they failed to give a fair return on the reproduction cost, but because they did not bring a fair return on the actual investment in the properties. In both of the cases, he concurred in the *decisions* but not in the *dicta*. What was said in the majority opinions was not necessary to the decisions.

The Atlanta case differs from the Southwestern Bell and the Bluefield cases in that rates fixed by the commission were adequate to bring a fair return upon actual investment, and they were judged on that basis. According to the figures before the court, the rates would bring about 7¼ per cent upon the investment fixed by the commission, but only about 4 per cent on the reproduction valuation claimed by the company. But the rates were sustained.

ACTUAL INVESTMENT TEST OF CONFISCATION

Considering the three cases together, the fair conclusion would seem to be this: the majority opinion of the supreme court probably believes that in valuing a property for rate purposes, substantial weight should be given to the reproduction cost factor, but that in reaching a final conclusion on the constitutionality of specific rates, they will not be declared confiscatory if they bring a fair return on actual investment, notwithstanding a much higher reproduction cost valuation.

This view is supported by a comprehensive survey of all the important rate cases passed upon by the supreme court. In every case where the rates were found confiscatory, the return to the companies was inadequate on any method of valuation that might reasonably have been employed. Rates have never been declared confiscatory where they actually brought a return of 6 or 7 per cent upon the actual investment in property used for the public service. Where rates have been found unconstitutional, the return has fallen materially below 6 per cent upon actual investment.

The supreme court has been extremely reluctant to declare confiscatory rates fixed by legislatures or commissions. It has recognized the primary function of the legislatures and the commissions to fix rates, and has been unwilling to interfere unless the results clearly and unmistakably deprived the owners of a fair return. The majority of the court doubtless believes that as a result of the great price upheaval since 1914, consideration should be given to the higher price level, but its actual decisions show that it will not interfere with rates so long as they bring a reasonable return upon actual investment in the properties. This is what the Atlanta case means side by side the Southwestern Bell and Bluefield cases.

If this analysis is correct, then, whatever the majority opinion of the supreme court may be with respect to the consideration which reasonably should be given to reproduction cost, the commissions are free to fix rates upon the basis of actual investment.

Judge Brandeis' minority opinion in the Southwestern Bell case masterfully sets forth actual investment as the proper basis for effective rate regulation. He shows that the reproduction cost basis is not workable, that it perpetuates litigation, and that it is not required as a matter of justice between investors and the public.

Judge Brandeis' opinion will serve as an excellent textbook for the commissions and other public authorities, and it furnishes the ultimate test of constitutionality in public rate making.

OUR LEGISLATIVE MILLS

IV. TEXAS MAKES HASTE

BY TOM FINTY, JR.
Editor, The Dallas Journal

BASED upon more than a quarter of a century of intimate contact with the legislature of Texas, it is the belief of this writer that said body has been little tainted with venality and corruption, but its chief fault in recent years is that it habitually indulges in the kind of haste that makes waste; that it has substituted for the sage counsel of Davy Crockett, "Be sure you are right; then go ahead!" those jazzy slogans of the age, "Do it now!" and "You'll have to hurry!"

NO BIG SCANDALS

It is true, of course, that often the welkin has been made to ring with fulminations against "the lobby," these implying that legislators had been blandished or were susceptible. At times whispers of suspicion have gone the rounds and there have been indicia of base therefor; but it is also true that there never has been a big legislative scandal in Texas, nor has there ever been a specific charge that any legislator has trafficked in his vote.

The nearest approach came doubly. After many years of nebulous outcry against "The Lobby," a so-called anti-lobby law was enacted, in 1907. This regulated, but did not prohibit, lobbying. Lobbyists were required to disclose their interest in measures and to name their employers. This the lobbyists have done, but the outcry has continued, intermittently and spasmodically. One day, in 1909, a new senator got up and said that lobbyists were getting in their work, and insisted that they ought to be banished. He refused to give names, either of lobbyists or legislators, saying that he did not want to ruin anybody. The senate, he thought, ought to accept his word. Incidentally, he defined a lobbyist as a person who opposes good legislation. The senate did not banish the lobbyists; instead, it expelled the complainant.

Simultaneously, there were sensational proceedings in the other branch. The speaker took the floor one morning and informed the house that slanders were in circulation concerning him. He demanded an investigation, and was accommodated. The investigators reported that the speaker had carried on the house pay-roll a certain person several weeks before said person had appeared to render service, the sum involved being rather small. A resolution to oust the speaker was the subject of heated debate, but it did not come to a vote, as the speaker resigned.

These are the only blots on the escutcheon of the Texas legislature, and as to the expelled senator, his constituents quickly and emphatically exclaimed, "Out damned spot!" They returned him, by an overwhelming vote, to the senate within less than thirty days after he was ousted.

Generally, the Texas lobbyists have tried to appeal to the reason of legislators, and preferably in committee hearings. But, within recent years, for reasons hereinafter to be explained, it has been difficult to get such hearings, and therefore the lobbyists have been forced to resort to the old buttonholing methods, to the use of much literature, and to pre-session visitations to the homes of the members. Upon the whole, the presence of lobbyists is not resented by legislators of high-standing and experience; upon the contrary, the opportunity to acquire information from all angles is welcomed.

SERIOUS HANDICAPS

The product of the Texas legislature has suffered much in the last twenty-two years because of haste, inexperience, frequent absence of definite leadership, and liberal employment of stenographers and typewriters. The condition, its cause and the results can be best described in a chronological statement, prefaced by an outline of the setting.

The present constitution of Texas, adopted in 1876, when the shadow of "Reconstruction" yet lingered, bristles with limitations and provisions of cheese-paring economy, meant to thwart the carpetbaggers should they regain power. Such limitations and provisions abound in the legislative set-up. The legislature is required by the constitution to meet biennally. (A statute fixes the time as the first Tuesday after the second Monday in January of off years.) Each member is allowed mileage at the rate of 20 cents a mile for the round trip, and he is entitled to receive $5 a day for the first sixty days of the session, and thereafter $2 a day. The governor is authorized to call special sessions "upon extraordinary occasions," these to be limited to thirty days each and to consider only such subjects as the governor may submit. In these special sessions the members receive $5 a day, and also mileage at the rate above named except when the call is made within three days after the close of a former session. While the legislature is in session, the governor has ten days within which to act upon measures sent to him; he has twenty days after *sine die* adjournment to act upon all measures that reach him within the last ten days of a session. The legislature, by a two-thirds' vote of both houses, may pass any measure over the governor's veto, but this power does not extend beyond the session in which a measure is enacted. Nor does the calendar of a session survive *sine die* adjournment, as is true of the congressional calendar. Such is the setting.

THE $2 VERSUS THE $5 SESSIONS

Throughout the first quarter of a century after the adoption of this constitution, these provisions were interpreted to mean that the legislature was in duty bound to remain in regular session until all business in sight was disposed of; that the drop in pay at the end of sixty days was intended as a stimulant to industry, but was to be disregarded when the business of the state demanded, and that special sessions were to be called only to deal with unforeseen contingencies of great importance.

In this quarter of a century long sessions were common. The Twenty-sixth Legislature, at the very close of the period (1899), made the top record, with a regular session lasting one hundred and thirty-eight days. No legislature in that period was called in special session more than once; some of them not at all.

There never was a time that the Texas legislators liked the $2 days, but it was not until 1901 that a way to escape them was found, and this accidentally.

For many years the closing of the appropriation year was the last day of February, and of the fiscal year the last day of August. Therefore, each legislature addressed itself first to the appropriations, as otherwise the departments and institutions would be without support.

Acting upon the recommendation of the governor, the Twenty-seventh Legislature (1901) amended the laws so as to make the appropriation year and the fiscal year synchronize—both were made to end August 31. Subsequently, the legislators awoke to the fact that they were no longer obliged to put appropriations first, and that by withholding action upon them and upon other measures urged by the governor, they could furnish "extraordinary occasions" forcing the executive to call special sessions.

Within the next few years the regular sessions lasted about a fortnight beyond the sixty days. Then, as will be shown hereafter, came a long session.

Two other things that had a decided effect upon the character of the legislature and its proceedings soon transpired. In 1905, a direct primary law, mandatory as to the dominant party, was enacted. The primary election largely partook of the nature of a "white man's election." With rare exceptions, "a Democratic nomination is the equivalent of an election." Seldom is a nominee of another party elected to the legislature; never is one elected to a state office. Under this condition, party responsibility and leadership soon reached a low ebb. Also, men of first-rate ability have been disinclined to offer for the legislature under the primary election system.

There have been exceptions to the rules stated in the foregoing. In 1907, Thomas Mitchell Campbell, recently deceased, became governor. He looked upon himself as the leader of his party. Living up to that conception, he declared that "platform demands" constituted a solemn covenant with the people, and he "held the legislature's nose to the grindstone" until it had acted upon these pledges. Under his urging, the Thirtieth Legislature remained in regular session ninety-five days; and then, although it had established a new record by passing the appropriation bills in regular session, the governor immediately called it in special session because it had failed to act upon certain platform pledges.

This legislature passed a law prohibiting railroad and sleeping-car companies from granting free passes, and telephone, telegraph and express companies from giving franks.

THE $2 DAYS GONE

Free passes had caused the legislators to tolerate the $2 days. It was feasible for them to visit their homes at week-ends, and it cost them nothing to talk to their loved ones at any time. But with the passes and franks gone, they faced a monotonous prospect in the capital. Since 1907, the appropriations have not been made in the regular sessions, and only two or three days of service at the $2 rate are rendered, these by the way of lagniappe.

In the old days legislators talked of what might be done "if" a special session should be called. In the last twenty-two years they have made plans early for "the special session" or "the special sessions." Three or four special sessions in a biennium have become common.

The last legislature, the Thirty-eighth, established new records on March 14, 1923. On that day it adjourned the regular session *sine die*, sixty-four days after beginning. Immediately, it met in special session. Thirty minutes later it again adjourned *sine die*, without doing any legislative work whatsoever. This was the shortest recorded legislative session; probably the only one for which no charge was made, and it was the first time that a legislature vetoed a governor's proclamation.

The most pronounced effect of the curtailment of the regular sessions, of the splitting of the legislative work, in Texas, has been the substitution of haste for deliberation. There is not merely "a rush week" as in other states; in Texas, there are four or five such weeks per biennium, one for each session. More than this, there is usually haste throughout each of the sessions, for the calendar always is heavy, and from the opening of each session, the members have a quitting time in mind. From start to finish, the sessions are characterized by feverish haste, a by-product of which is the trading of votes on pet measures. Nevertheless, the legislators do not hesitate to accept invitations to visit hospitable cities and towns. As has already been indicated, the grind in the capital becomes monotonous, and free rides still are alluring, though infrequent.

COMMITTEES MULTIPLIED

Another innovation that has had a harmful effect upon the quality of legislation was the increase in number of committees. The senate, with 31 members, now has 35 committees, and the house, with 150 members, has 38. The idea was that as sessions of the legislature were short, the committee work ought to be divided more than before, so that measures might be studied quickly and carefully. The theory has not been vindicated in practice. In the first place, the regular sessions have come to be regarded as "the members' sessions," to be devoted in the main to members' pet measures, and the special sessions are looked upon as "the governor's sessions," for the reason that only such subjects as the governor submits may be considered in such sessions. Second, for the very reason that there are many committees, committee meetings are rarely well attended, the official records to the contrary notwithstanding. Citizens who desire to appear before committees complain that they are often obliged to wait for days before the committees can be assembled, and that when the meetings are held they rarely have an opportunity to present their cases to the members of such committees. Such things as this frequently are witnessed: A chairman calls his committee together; the clerk calls the roll and reports a quorum present; thereupon members retire, saying, "If I am wanted, I'll be in 'Jude One,'" or something similar. The hearing proceeds, with the chairman, the clerk, newspaper men and the citizens present. Sometimes members of the committee are called in to vote at the close of the "hearings" that they have not heard. One is reminded of a stirring scene in the senate some years ago, when a senator clamored in vain for recognition. He made his way down to the desk of the presiding officer, shouting, "Surely, Mr. President, you must see me." "Oh, I see you all right," answered the Senator in the chair, "but I don't recognize you."

It has become quite common, under these conditions, for committees to yield to pleas to "Report the bill out; give it a chance in the house (or senate); you can reserve the right to vote against it." Committee work is largely perfunctory. Because of the urge to hurry, many members of the legislature rather resent the petitions of citizens to be heard on proposed legislation.

The condition is aggravated by reason of the fact that the calendar dies at the close of each session. No matter how much progress has been made in one session, every measure must be considered *de novo* in a subsequent session.

Haste and inexperience also have led to bad drafting of bills—to prolixity and other flaws that inhere in the practice of dictating to stenographers—and to faulty enrollment and certification of acts.

That the quality of legislation has deteriorated in Texas is proven by a comparison of the old-time product with recent enactments. Two ancient beliefs have been exploded, namely, that "A short session makes for a lean statute book," and that money is saved by the $2-a-day provision. In the last twenty-two years the legislative product has more than doubled in volume, and the legislative expenses have vastly increased, for there are more legislative days and very nearly all of these are $5 days. Nevertheless, the people have seven times rejected proposed amendments to give the legislators "adjusted compensation."

SPECIAL SESSIONS AND THE VETO

Although the legislature has shorn the governor of his power to call special sessions according to his judgment, the legislature has practically abdicated its power to check the governor's veto power. The legislature can pass bills over a veto only when in session at the time the disapproval is registered. As more than 90 per cent of the bills now reach the governor within less than ten days in advance of *sine die* adjournment, his power of life or death over these is complete. And, of course, the governor's initiative is magnified by the legislature's refusal to complete the work before it in regular sessions.

The Thirty-eighth Legislature, however, has established some records at variance with the rule in such regard. At its regular session, it sent an unusually large number of bills to the governor early; the governor vetoed many of these measures, and the legislature made a top record for overriding vetoes. It passed over vetoes nine bills creating as many district courts and one creating a court of civil appeals, but it made no effort to do likewise with three bills of a general nature. After the close of the session, the governor vetoed a bill creating yet another court of civil appeals, and nineteen general bills, all of which, of course, are very dead. No former legislature created so many courts. There was a court bloc with the odor of pork.

Because of the wane of party responsibility referred to in the foregoing, there has been little in the way of definite and continuous leadership, save when a governor, claiming the right to lead upon the basis of platform pledges, has assumed the rôle, with capacity to play it. Usually, however, the legislature has been split along factional lines and organized by blocs. Those of longest life were the prohibition and anti-prohibition blocs. With the prohibition issue dead, the Texas legislature has drifted aimlessly, although there have been blocs of short life, such as the educational bloc, the farm bloc, the court bloc, etc. There is only one woman in the Texas legislature, but woman organizations exercise a potential influence.

EXPERIENCE OF MEMBERS

The legislature suffers from inexperience, but not exactly in the way often asserted. The idea is widely prevalent that few legislators return for second or subsequent terms. This is not true to the extent supposed. It is nearer true of the senate than of the house. Here are cross sections of the Twenty-seventh and Thirty-seventh Legislatures, in which two years of service is counted as a term.

LEGISLATIVE EXPERIENCE OF MEMBERS OF TEXAS LEGISLATURE

Term of service	1901 senate	1921 senate	1901 house	1921 house
First	7	15	74	71
Second	9	2	44	45
Third	7	6	8	15
Fourth	7	5	2	7
Fifth	1	0	0	2
Sixth	0	3	1	2

On the basis of a rating of one point for each biennium of legislative service, the twenty-seventh senate had 79 units and the thirty-seventh 75; the twenty-seventh house 200 and the thirty-seventh 256. (Each of these senates had 31 members; the twenty-seventh house had 129, and the thirty-seventh 142.

Notwithstanding the statistical showing, the legislature has fallen off in experience, largely for the reason that under the rush order, members do not have favorable opportunity to learn, as was the case when the legislature was a deliberative body.

There is no definite training for legislative service in this state. Lawyers predominate in the membership, largely because of the erroneous assumption that a good lawyer necessarily will make a good lawmaker. Within recent years quite a number of members have had the advantage of training in the law school and school of government of the state university, but unfortunately most of these are young and therefore bumptious. Some of the most useful members started in as pages, and, remaining with the legislature as clerks, have gone "through all the chairs," learning government and legislation in a practical way. Within recent years the proportion of lawyers in the legislature has fallen off, and the proportion of business men has increased. Occupations of the members of two legislatures is here shown:

Occupations	1901 senate	1921 senate	1901 house	1921 house
Lawyers	24	20	62	56
Farmers	4	3	34	39
Bankers	0	1	0	4
Publishers	1	1	8	6
Physicians	2	1	3	2
Merchants	0	0	10	14
Other business	0	5	4	16
Teachers	0	0	5	1
Mechanics	0	0	3	1
Students	0	0	0	3
Totals	31	31	129	142

To summarize: Haste is the bane of the Texas legislature; it will not stay on the job long at any one time, for $2 days, without free transportation, are not attractive. There is small chance of early change in the situation.

CLEANING UP NEW YORK

BY FREDERICK H. WHITIN

Secretary, the Committee of Fourteen, New York

The second in our series of articles upon the municipal treatment of vice. :: :: :: :: :: :: :: :: :: ::

NEW YORK has celebrated this year, 1923, its silver anniversary of the consolidation of the greater city. The exhibition of the progress of the twenty-five years included a show entitled, "The Bowery," the city's famous street memorialized in song, wherein it was characterized as a place "Where they say such things and they do such things," that the singer declared that he'd "Never go there any more." If the song were to be written to-day the verbs would have to be changed as to tense, to read, "Where they said such things and they did such things." Not only is the Bowery closed as to the vice which made it infamous, but the resorts on Fourteenth Street, of which the ex-pugilist Tom Sharkey's place was the best known, have long been closed. The Haymarket, at Thirtieth Street and Sixth Avenue, probably the best known of all the city's resorts, has become a memory during the twenty-five years, as have likewise similar places in the immediate neighborhood, while the resorts immediately north of the Metropolitan Opera House are likewise known only to the older generation.

ONE HUNDRED THOUSAND VISITORS PER NIGHT

The visitors to the city, and it is estimated there are one hundred thousand of them in the city each night, naturally ask what has taken the place of these resorts, knowing full well if they knew New York twenty-five years ago, of the uptown movement of the legitimate amusement places and suppose naturally that the illegal resorts have likewise only changed their location. In this case, at least, actual repression has been accomplished. The same is true of many of the hotels which formerly existed for immoral purposes, not only the disorderly resorts known as Raines Law Hotels, but also the various assignation hotels which were to be found grouped in various parts of the city. The streets likewise have been practically cleared of the parading prostitutes who solicited the passerby to accompany them to neighboring hotels. The disorderly parlor houses which existed chiefly between West 24th and West 27th Streets, and on West 40th Street, were closed before the buildings which they occupied were torn down to make way for commercial structures.

The question can naturally be asked whether vice has been really decreased as much as these changes would indicate, or whether it may not be continued in a different form, or if there has not been an increase in some of the forms which existed twenty-five years ago. It seems probable that there has been an increase in what is known as the "call house," a place where women are met by appointment made through a third party. But the increase of this form of vice, while probably considerable of itself, is, as compared with the total amount of vice which has been repressed, relatively small.

It is claimed by the municipal authorities that they have suppressed prostitution. Those representing the volunteer organizations interested in securing such civic improvement claim that New York has less open vice than any of the world's largest cities, *i.e.*, that vice has been repressed so that it no longer protrudes itself upon the notice of the average citizen or the casual visitor. The records of the courts clearly indicate that vice is not wholly suppressed. But these same court records indicate an improvement of conditions, for whereas ten years ago there were four to five hundred arrests yearly for keeping and maintaining disorderly houses, to-day the number is under twenty-five. Whereas ten years ago over five thousand women were convicted in a twelvemonth in the women's court, last year the number was less than two thousand. This decrease might be due to decreased police activity. As a matter of fact, the police are not only as active as formerly, but, in addition, new laws have been secured which by broadening the definition of prostitution have greatly assisted in the suppression.

TO WHAT HAS SUCCESS BEEN DUE?

To what may be attributed this repression of the Ancient Evil, and what has been the means whereby it has been accomplished?

Formerly, there was little dissent from the popular theory that the solution of the problem of prostitution was the segregation of the prostitutes, with careful medical supervision. Indeed, it is reported that one of New York's leading educators advised the police commissioner of twenty years ago to this effect. To-day, no one who has made a real study of the problem can be found to advocate such a proposal. Hence the cause is a change of public opinion. This change may be attributed to four principal factors: First, the recognition, upon an authoritative statement of the medical profession, that the justification of prostitution as a necessary evil, is a mistaken one. Second, the fact that European cities with a police control of private conduct which would not be tolerated in Anglo-Saxon communities, were shown never to have been able to segregate more than a small proportion of the prostitutes. Third, the recognition that the segregated district with its tolerated resorts constituted an open market for the victims of the white slavers' wiles, an evil no one would condone. Fourth, the campaign of education actively begun in 1905 with the organization by Dr. Prince A. Morrow, of the Association for Sanitary and Moral Prophylaxis, continued by the American Social Hygiene Association and most energetically carried on by the National Government in connection with the Selective Service Act of April, 1917.

The problem of repression in New York city was complicated by two special factors: First, the presence in the city of a large floating population, many of whom sought to combine both business and "pleasure" during their brief stay, these visitors being well prepared to pay for the so-called pleasure. Second, the existence of the "Raines Law Hotel," a result of an attempt to regulate the liquor traffic, which, while successful in reducing the number of saloons, converted many of those remaining into disorderly resorts of the most dangerous character. The first of these special problems remains, and probably always will. While it is possible that some other cities may have as great a proportion of transients as has New York, it is most improbable, if in any other city, these transients are prepared to spend so much money The second local difficulty, the "Raines Law Hotel," had been overcome before the discontinuance under the Eighteenth Amendment of the licensed traffic in liquor, having been suppressed by the activity of the police and the efforts of the brewers and bond companies, stimulated by a civic committee organized for the special purpose.

During the closing years of the nineteenth century, the Society for the Prevention of Crime, under the lead of the Rev. Dr. Charles H. Parkhurst, made vigorous efforts to secure an improvement of conditions. It is of interest to note that their efforts were directed towards breaking the connection between the police and the underworld, then generally admitted to exist. So bad were conditions, that in 1901 a special committee was appointed by the Chamber of Commerce to deal with the situation. The disclosures made by it were so startling that Tammany Hall attempted, ineffectually, to offset them by a committee of its own. The municipal election of 1901 resulted in the defeat of Tammany and the election of the reform ticket. The number of cases brought by the police against disorderly houses immediately began to increase most noticeably; there being 1,450 in 1905, as compared with 220 in 1901. Moreover, the police commissioner in the latter year, now Chief City Magistrate McAdoo, organized headquarters' vice squads. While considerable repression was accomplished, vice resorts, both those openly conducted because licensed to traffic in liquor, and the semi-public places, commonly known as "parlor houses," continued to run, because of the ineffectiveness of the penalties imposed by the courts (generally a fine of $50).

THE COMMITTEE OF FOURTEEN

In 1905, the Committee of Fourteen was organized to suppress "Raines Law Hotels." It promptly secured an amendment to the existing liquor tax law, to remove the most obvious weakness of its enforcement provisions. It then organized a staff to observe the enforcement of the law and to assist the state and local authorities in their actions under it. While the amendment first secured was effective, further investigation disclosed other serious weaknesses, and, in the succeeding years, additional amendments were secured without serious opposition because of their evident need, as shown by the facts reported by the Committee.

The Committee also compiled the statistics of court disposition of disorderly house cases, which showed conclusively the ineffectiveness of the fine as a penalty. The most striking examples were: (1) Although there were sixteen convictions of women within a period of six months for conducting the place as a disorderly house, no jail sentence was imposed, nor a fine of more than $50; (2) the sentencing of the proprietor of one of the city's worst resorts to pay a fine of $500, though several of his employees had been sent to jail for 60 days.

While the Committee has never been successful in securing the elision from the law of the fine as a possible sentence in a disorderly house case, the argument against such action being that it would unnecessarily limit the discretion of the courts, as a matter of practice it has been discontinued. By the same method of publicity of the ineffectiveness of existing penalties, an amendment was secured to the liquor tax law, which provided that a premise certificated to traffic in liquor, if proved to have been used as a disorderly house, not only forfeited the existing license but could not be relicensed for twelve months; the always effective penalization of the property.

STREET SOLICITATION

As far as known, the evil of street solicitation by prostitutes was more in evidence in New York city fifteen to twenty years ago than in any other American city. Investigation disclosed that the cases of women arrested upon this charge were disposed of in the district courts in most ineffective ways to secure the discontinuance of the evil. There were also reasons to fear that there was a close connection between the activities of these women and the police. To remove the opportunity for the easiest connection, a night court was established, so that those arrested after the close of the day courts could be given a speedy trial and have no occasion to give bail. While there was little direct improvement attributable to the new court, it centered public attention upon the problem, with the result that a legislative committee was appointed for a formal study of proceedings in the inferior criminal courts. Among the committee's many valuable recommendations which were incorporated into law, was that for a night court for women and the use of finger-print identifications. The new law provided, moreover, that the magistrates who were to preside in the women's court should be especially designated from the whole board by the chief city magistrate. The new court, which was opened in September, 1910, further centralized public attention, and the identification system showed the ineffectiveness of the sentences imposed, because of the very considerable percentage of recidivists among the prostitutes. Early in 1912, the magistrates assigned to the court agreed to discontinue the imposing of fines, which had proved to be especially ineffective.

LEGISLATION DEVELOPS

In the same year that the women's court was established, a special grand jury was impanelled, which was charged with an investigation of white slave traffic. Its foreman was Mr. John D. Rockefeller, Jr. Its finding further aroused public opinion.

In the same year, congress passed the so-called Bennet and Mann Acts; the former being for the suppression of international white slave traffic, and the latter to prevent inter-state commerce in the exploitation of women. Indeed, it can be very definitely stated that 1910 was, at least as far as New York city and state are concerned, the turning point in the public attitude towards the commercialization of irregular sexual relations.

The semi-toleration by the police of disorderly houses in New York city can be said to have ceased in August, 1912. Immediately prior to that time there was a row of such houses on West 40th Street. Their existence was plainly noticeable to even the most casual observer, because of the large numbers of men seen entering and leaving. At that time the police commissioner issued positive orders for the houses to be closed, and the police took the necessary action without waiting for the slow process of the courts.

About the same time, the notorious Haymarket, against which it had been impossible to secure effective action by either the local police or the state department of excise, was closed because of a newly secured law requiring such places, if dancing was permitted, to secure a license therefor. The official charged with issuing these licenses refused to grant a dance hall license to the Haymarket because of its notorious character. His action in thus using his discretionary power was sustained by the courts. The resorts on Fourteenth Street, previously mentioned, were likewise closed through the newly secured provision in the liquor tax law penalizing the place, while the resorts on the Bowery had been previously suppressed through the effective cooperation of the police and excise departments.

Following the discontinuance of the fine in the women's court, street conditions materially improved, but the proportion of recidivists was not strikingly reduced. Upon the presentation of the facts to the legislature by Dr. Katharine Bement Davis, an indeterminate sentence law was passed, providing that where a defendant was convicted three times within twenty-four months, or four times without limitation of time, the magistrate might impose an indeterminate sentence not to exceed two years. The determination of the actual period of detention is made under this law by a commission, who, if they release the prisoner short of the maximum time, continue him or her upon parole. This law effected a further improvement of conditions, materially reducing the number of arraignments in the women's court of women charged with prostitution; the decrease being from 5,365 in 1911, to 2,130 in 1916; the number increasing, incident to war conditions, to about 2,800 in 1918, falling to 1,300 in 1920, since which time there has been an increase in the number of such cases without, however, a noticeable change of vice conditions.

Penalty upon the place provisions are also to be found in the tenement house law. While in the main this law deals with the structure of tenement houses, the special legislative committee which drafted it in 1901—having knowledge of vice conditions in the tenements, and the seriousness of them—included in it special provisions against women who committed prostitution in these multiple dwellings. The law provides that where the owner tolerated such conditions, a suit might be brought against the property for a penalty lien of $1,000. As so often happens, the original law was ineffective because of the difficulties of proof. In 1913, these penalty provisions were amended to provide that when two convictions for prostitution occur in the same tenement house within a period of six months, it shall be presumptive evidence that the violations were with the knowledge and consent of the owner. It is of interest to note this change as to evidence—the burden of proof that the owner had taken reasonable precautions and maintained proper conditions in his property was placed upon him, instead of requiring the prosecution to show affirmatively his failure to act. While few actions have been prosecuted for this penalty, the new law has been generally effective.

New York state adopted in 1914 a modified form of the injunction and abatement law, which originated in Iowa, and hence is popularly referred to by the name of that state. There has been but one case brought under the law in New York city, largely because the discontinuance of fines in disorderly house cases and the penalty upon the place under the liquor tax law made unnecessary the complicated legal proceedings of the injunction and abatement law.

The action of the police in forcing the closing of parlor houses was repeated in the first half of 1918, in the cases of the assignation hotels. These places had continued to exist because of the impossibility of securing the necessary evidence to convict them of being disorderly houses. The police procedure in both of these cases was to station uniformed officers in front of the premises to inform those who would enter, of their character. Though most of those so informed, sought the places for that reason, the presence and statement of the officer proved an effective deterrent to entrance. Thus the existing unlawful business was destroyed; some of the hotels were forced to close, while others now accept men only as transients—couples must be by the week.

SEPARATE COURT FOR WOMEN

In the spring of 1919, the night sessions of the women's court were discontinued, day sessions being substituted. The results have been most favorable, and especially has the atmosphere been changed, so that the court is no longer crowded with sightseers, brought there by morbid motives. The increased knowledge of the dangers of venereal disease, incident to the war draft, made possible the securing of a law which requires the magistrates to report all persons arraigned, charged with prostitution, to the health department as venereal suspects. The department regularly examines all those so reported who have been found guilty, and the report of the department's finding is submitted to the magistrate prior to the imposition of sentence. When a woman has been found guilty of prostitution in the women's court, she is remanded by the magistrate for forty-eight hours for sentence. She is immediately finger printed, and, if found to be without record of prior conviction, the probation officers detailed to the court investigate her social history. The following morning the specimens necessary for laboratory examinations are taken by a woman physician attached to the health department, so that when the prisoner is arraigned for sentence the second morning, the court has before it the report of the finger print bureau, the report of the investigation (if one is made) by the probation department, and the report of the health department. If the prisoner is reported to be suffering from venereal disease in a contagious stage, and without record of previous conviction, she is sent, unless an exceptional case, to the hospital maintained by the department of health for the treatment of venereal patients. Upon her discharge from the hospital she is returned to court, when sentence is imposed. A large majority of those sent to the hospital for treatment are, upon discharge from that institution, placed upon probation. If, upon original arraignment for sentence, in addition to being diseased, the woman has a record of prior convictions, she is sent to the workhouse hospital for a period sufficient in the opinion of the medical authorities for adequate treatment of the communicable dangers of the disease. Those not diseased are, according to circumstances, placed upon probation, or committed to the House of Good Shepherd, the State Reformatory for Women or the workhouse.

THE POLICE ORGANIZATION

The police organization for the suppression of vice in New York city, to which passing reference has been made, has proved so effective that a detailed statement of it seems desirable. The city is divided into police precincts, in command of a police captain. This officer and his men are responsible for the maintenance of "outward order and decency." Several precincts constitute a police inspection-district, in charge of an inspector, whose duty it is to supervise the work of the uniformed men in the precincts. To each inspection district office is attached a squad of officers, who operate in citizens' clothes. These men are semi-detectives, and are especially detailed to secure evidence of the violation of the laws against prostitution, gambling and liquor. In addition, there is maintained at police headquarters, under the charge of a deputy chief inspector, a large squad of men similarly detailed but who, operating throughout the entire length and breadth of the city, are not limited by arbitrary divisions of territory. Their particular purpose is, however, to act as a check and stimulus to the inspection district men, for each arrest by the central office men indicates the failure of the district men to apprehend the violators of law in the territory assigned to them. In addition, it is understood that the police commissioner has a small squad of confidential men, who act as a check upon the district and headquarters' men. These latter officers, however, do not make arrests and hence, are not disclosed as are the others by court appearance. Thus, the commissioner not only checks the work of his subordinates, but also secures valuable information with which to direct their efforts.

CIVIC ORGANIZATIONS

What part the civic organizations have played in securing the present improved conditions in New York is problematical. One would be a pessimist who did not believe that even without the stimulus and encouragement of such organizations, public officials would not make progress, but undoubtedly the progress would be slow, for even the best of public officials find themselves handicapped by the multiplicity of their duties and complexity of their problems. Likewise one would be pessimistic of civic endeavors if one did not believe that volunteer committees accelerated progress. It is the writer's belief that such organizations are necessary if progress is not to drag; that in the ever present competition between departments over budgetary allowance, the citizen's support is most valuable. Likewise, the assurance of such support enables public officials to more fearlessly meet the criticisms and opposition of those not interested in law enforcement, or those seeking to save the individual offender from the consequences of his acts.

NEXT STEPS

To repress prostitution further in New York city, additional advances are required. First, the removal of the technical difficulties of entrapment. When the women's court was originally a punitive institution, public opinion was much opposed to the punishing of those who were *induced* to commit prostitution. To-day, however, the court is unquestionably the greatest rescue institution in the city, state and nation, if not in the world, for it has been shown that today 75 per cent of those convicted there do not become recidivists, at least in that court. This being so, it would seem that the existing limitations regarding entrapment should be removed, for the woman or girl who would fall for the inducements of the police officer would similarly fall for those made by the civilian, and the girl who would so fall needs care and supervision, and, in a great majority of cases, undoubtedly needs medical attention. Thus, one change or advance makes possible another.

It is believed by many that another step which would be productive of improvement of conditions would be the penalization of those who, by their willingness to pay her, are partners with the prostitute in her acts of sexual immorality. In other words, if it is made as much a crime to buy as it is to sell, if the men were to run as great a risk of punishment as the women, they will become as circumspect in their actions as have become the women. New York state has no fornication law, and its officials do not seem impressed with the effectiveness of such laws in the states which have them, yet there is a growing opinion in favor of the apprehension of the customer. Some are influenced by the belief of the unfairness of the existing procedure, which penalizes the woman but lets her partner escape punishment, while others advocate the proceeding, believing it would make possible a considerable further repression of commercialized prostitution. This next step should be taken.

It is believed by those familiar with the situation in New York that much of its problem of commercialized prostitution is due to the fact already stated, that it is both the commercial and amusement center of the western hemisphere. Added to the local women who become prostitutes are undoubtedly many who, having been immoral elsewhere, have been drawn to the city because of the money which is spent in it, and its many visitors who contribute to that sum. In other words, the problem is both local and national. Hence it is that citizens of New York are interested in the progress made throughout the nation in suppressing commercialized prostitution and in removing the complex factors which lead women to enter the life.

Conversely, the country as a whole is much interested in the improvement of vice conditions in New York, for if its citizens, when visitors to New York, fall for the temptations which may be allowed to exist there, they expose themselves to the dangers of the social diseases. Should they become victims of them, the chances are many that the diseases may be communicated to innocent persons who have never been in New York. Thus the dangers act and interact, and the country as a whole is safe, only as a whole it reduces commercialized prostitution and the dangers of the accompanying diseases.

SEATTLE'S MUNICIPAL STREET RAILWAYS[1]

BY WILLIAM ANDERSON
University of Minnesota

Hasty purchase, under war conditions, of a run-down system, heavy debt obligations, improved service with 8½-cent fare after unsuccessful experiment with a 5-cent fare—these are some of the highspots in this interesting story. It should be read in connection with the report of Detroit's experience published in the September "Review." :: ::

It is the custom to date the difficulties of the American street railways back to the rising operating costs, labor shortages, strikes, and fixed fares of the early war period. In Seattle the struggle between the municipal authorities and the street railway companies had advanced so far by May, 1914, that the city had already accepted in part the principle of public ownership and operation. It was at that time in possession of two street car lines, totaling about 13 miles in length, and valued at over $1,000,000, and was commencing to operate them. The ultimate doom of private street railway operation in Seattle was clearly foreshadowed. The unusual conditions of the war period only hastened the process of public acquisition.

Bound by a 5-cent fare franchise, hampered in operation by strikes and by the constant quitting of their men for war service or for more remunerative wartime work, the Puget Sound traction interests in Seattle found themselves in 1917–18 in an almost incurable situation. They had great difficulty in meeting their legal obligations as to paving and the payment of gross earnings taxes. With the upspringing of the ship-building industry on a large scale, and the inrush of a new industrial population, came demands for more street car lines and more adequate service. The company requested permission to charge a higher fare to meet rising costs and new service demands, but the city officials refused to grant this request and countered with various other proposals, one of which was that the city lease and operate the lines for the duration of the war and for six months thereafter. This suggestion the company refused to consider.

THE WAR FORCES MUNICIPAL OWNERSHIP

A representative of the Federal Emergency Fleet Corporation having arrived in the city to endeavor to improve transportation to the shipyards, conferences were held in September, 1918, with a view to solving the problem. From him came the suggestion that the city buy the lines. The price of $22,500,000 which he suggested was rejected by Mayor Ole Hanson, who said he would not consent to a price over $15,000,000. Just how this figure was arrived at is not clear, but it became the basis for the purchase negotiations. An arrangement for the sale was soon worked out. No strong element or organization in the city stood out to oppose what was being done. The fear of losing the ship-building contracts, on which the war-time prosperity of the city so much depended, drove practically all men into line in favor of the street railway purchase as the only method of saving the ship-building business for Seattle.

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[1] The reader will find an excellent article on the subject by Professor Paul H. Douglas in the *Journal of Political Economy*, 1921, vol. 29, pp. 455–477. This is by far the best article on all phases of the question up to about March, 1921. Mr. Delos F. Wilcox, in his *Analysis of the Electric Railway Problem*, also deals sanely with the question, pp. 515-524, 764-765. See also *Twitchell* v. *City of Seattle* (1919), 106 Wash. 32; *Asia* v. *City of Seattle* (1922), 119 Wash. 674, 206 Pac. 366; *Puget Sound Power and Light Co.* v. *City of Seattle* (1922), 282 Fed. 712, and 284 Fed. 659.

There was no careful valuation of the plant, which was known to be in a run-down condition. Councilman Oliver Erickson, an exponent of municipal ownership, said he thought the price was too high. "It would be unfortunate," he said, "to wake up in a year or two to find we had given public ownership a black eye by overestimating the value of this property." A former mayor, Mr. G. F. Cotterill, estimated the value of the system at under $7,000,000, and warned citizens against the consummation of the deal. Such voices were heard, but not heeded. The contract for the sale was drawn up. On November 5 an "advisory election" was held. The voters attended in small numbers, 13,000 voting favorably to 4,000 against. It seems to have been understood in advance that the advisory vote would be binding. A few days later the war was over, and with it passed the principal emergency which had led Seattle to think of immediate municipal ownership of the street railway. The ship-building business could not long continue on the war-time scale. The time for cooler counsel had come. No legal commitments had yet been made. Nevertheless, the mayor and the majority of the council went ahead with the purchase. The ordinances to acquire the lines passed late in December, 1918, by a vote of five out of nine councilmen, with two negative votes (Councilmen Erickson and Lane), and two absences. Just before midnight on March 31, 1919, Seattle became the possessor of a complete street railway operating system, minus only the power plant.

Some time later, when many people had come to believe that the city had purchased a "gold brick," a grand jury investigated the entire transaction but failed to find any evidences of corruption. A fairly careful appraisal at that time indicated, however, that the lines were worth less than $8,000,000 when the city took them over.

THE PURCHASE CONTRACTS EXPLAINED

Practically all of Seattle's difficulties with municipal street railways go back to the purchase contracts of 1919. These contracts, which are embodied in various city ordinances (principally Nos. 39025 and 39069), are at last fully understood by the city. The meaning of the former has been expounded by both state and federal courts.

The contracts were entered into under authority of a state law which was designed to make possible the purchase of public utilities by cities without pledging their general credit. The plan authorized was that of creating a special purchase fund into which the city council might

> obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding six per centum per annum, . . . but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. In creating any such special fund or funds the common council or other corporate authorities of

> such city or town shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, . . . and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged.

The main contract (No. 39025), after declaring the public necessity for the purchase of the lines in question, went on to assert that "in the judgment of the council" the gross revenues to be derived from the entire street railway system "at the rates of transportation charged, and to be charged" would be sufficient "to meet all expenses of operation and maintenance of the proposed additions, betterments and extensions, and to provide all proportions or parts of revenue previously pledged as a fund for the payment of bonds, warrants and other indebtedness, with interest thereon, heretofore made payable out of the revenues of the existing municipal street railway system, and to permit the setting aside in a special fund, out of the gross revenues of the entire system, amounts sufficient to pay the interest on the bonds hereby authorized to be issued, as such interest becomes due and payable, and to pay and redeem all of such bonds at maturity." The specific pledges which followed were the payment of interest at 5 per cent, payable semi-annually, on all outstanding bonds of the $15,000,000 to be paid for the system, and the payment of $833,000 on the principal March 1, 1922, and a like amount every March 1 thereafter until the final payment of $839,000 on March 1, 1939. It will be understood, of course, that the bonds issued are "an obligation only against the special fund created and established" by the ordinance, and that interest payments are likewise payable only from that fund. Most interesting of all, however, is the provision in section 5 that the semi-annual payments of interest and the annual payments of principal "shall constitute a charge upon such gross revenues [of the entire street railway system] superior to all charges whatsoever, including charges for maintenance and operation," with a few minor exceptions.

If interest and principal payments are first charges upon gross revenues, what will happen when gross revenues are inadequate to meet all expenses? This problem actually arose during the first few years of municipal operation, while the 5-cent fare and later a 6¼-cent fare were in effect. At first the city resorted to the simple expedient of borrowing from general municipal funds to make up the deficiency. A group of taxpayers resented this action, for it amounted to the use of tax revenues to pay operating expenses on the street railway. They took the matter into court on the ground that the statute did not authorize such use of the taxpayers' money. In this contention they were sustained by the court, which held that the statute does not allow such financing unless it has been approved by popular vote.

THE ERICKSON 3-CENT FARE PLAN, 1922

The citizens had been led to believe that the lines could be operated on a 5-cent fare and that they would earn enough to meet all obligations under the contract as well as all operating expenses. This belief proved to be entirely unfounded. The lines lost money. In July, 1920, the fares were increased to 10 cents cash, or 4 tokens for a quarter, and in January the token fare was increased to 8⅓ cents, or 3 for a quarter. These increases were a great disappointment to the car-riders. They felt that they had been grievously imposed upon, for they were being compelled not only to pay for the cost of riding on the lines, but also for the purchase of the street railway system for the city.

The first powerful effort to reduce the fares was made early in 1922. It took the form of an initiated ordinance, sponsored by Councilman Erickson, that "all cost and expense of the maintenance and operation" of the municipal street railway system should "be paid wholly out of revenues of the city of Seattle derived from taxation." That is to say, a general tax was to be levied for the purposes of operating and maintaining the system, while the revenue from fares was to continue to be used for meeting the interest and principal charges under the contract, and for extensions and renewals. It was urged that a 3-cent fare would be sufficient for the latter purposes. The argument for this plan of financing the lines was that all property owners in the city benefit by the street railway, but that under the purchase contract the poorer people who cannot afford automobiles are saddled with the entire cost of running the lines and of buying them and turning them over to the city in good condition when the last instalment of interest and principal has been paid. Verily, so ran the argument, to him that hath shall be given. Calculations were made by exponents of the new scheme to show that the small home-owner who rode the street cars to his work every day would save more through reductions in fares than he paid out in increased taxes, while the wealthier classes, who now contribute practically nothing, would be compelled to pay a very considerable portion of operating and maintenance expenses.

That the proposition had some merit cannot be denied. The material increase in taxes which would have resulted was the most important argument against it. It was asserted that business would be driven from Seattle to Tacoma and Portland, but the very debaters who made this declaration also attempted to prove that big taxpayers would shift the burden back on the poor through higher prices, rents, etc. Although this logic was not unimpeachable, the fear of higher taxes was strong. At the election on May 2, 1922, the Erickson measure was rejected by a vote of 40,275 to 15,043.

CONTRACTUAL OBLIGATIONS

The upshot of all the litigation to date, and of the defeat of the Erickson measure, is that the city must now charge a rate of fare high enough to bring in a gross revenue sufficient to cover all expenses of operation and maintenance, and to pay all charges arising out of the purchase contracts. Let us see first of all what these contractual obligations amount to.

TABLE OF PAYMENTS FOR INTEREST AND PRINCIPAL UNDER MAIN PURCHASE CONTRACT

(Ordinance No. 39025), 1919–1939

Total purchase price, $15,000,000. Interest at 5 per cent. Interest payable March 1 and September 1; principal payable March 1.

Year	Interest	Principal	Total
1919........	375,000	......	375,000
1920........	750,000	......	750,000
1921........	750,000	......	750,000
1922........	729,175	833,000	1,562,175
1923........	687,525	833,000	1,520,525
1924........	645,875	833,000	1,478,875
1925........	604,225	833,000	1,437,225
1926........	562,575	833,000	1,395,575
1927........	520,925	833,000	1,353,925
1928........	479,275	833,000	1,312,275
1929........	437,625	833,000	1,270,625
1930........	395,975	833,000	1,228,975
1931........	354,325	833,000	1,187,325
1932........	312,675	833,000	1,145,675
1933........	271,025	833,000	1,104,025
1934........	229,375	833,000	1,062,375
1935........	187,725	833,000	1,020,725
1936........	146,075	833,000	979,075
1937........	104,425	833,000	937,425
1938........	62,775	833,000	895,775
1939........	20,975	839,000	859,975

1940 and thereafter—no further payments

It will be observed that the decrease in interest charges from year to year is only $41,650, or 500,000 fares at 8⅓ cents each. This reduction is so small as to offer little prospect to the car-rider of lower fares in the immediate future. Indeed, under the contract as it stands, Seattle must look forward to using the fares of 10,000,000 riders annually at 8⅓ cents each to pay off the annual instalments of principal, and the fares of an additional 8,500,000 riders in 1923, 8,000,000 in 1924, 7,500,000 in 1925, and so on, to meet the interest charges. The total number of riders who paid the full fare in 1922 was 71,700,000. It will be seen, therefore, that at present one quarter of the gross passenger revenue must be used to meet contractual obligations under the 1919 contracts—and these obligations are prior to all others.

OPERATING EXPENSES, 1922

If the annual reductions in the interest payments offer little hope to the car-rider of reductions in fares, what of the operating expenses? Are there not some real economies in public operation? It is only by analysis of the figures that we can reach even tentative conclusions upon this point.

The total operating expenses for the year 1922 are certified to have been as follows:

I. Operation and maintenance of way and way structures	$382,805.47
II. Conducting transportation	2,040,453.03
III. Maintenance of transportation equipment	382,607.41
IV. Housing and hostling transportation equipment	186,955.82
V. Power	613,676.76
VI. Commercial — office, salaries, and expenses	49,724.84
VII. General—salaries of officers and clerks, rent insurance, store expense, injuries and damages and miscellaneous general expense	290,170.55
VIII. Depreciation and amortization	685,114.32
Total operating expenses	$4,631,508.20

It should be noted that in the table of operating expenses above there is no item of taxes paid. The city pays none, and to this extent the car-rider is possibly better off than he would be under private ownership of the lines, while the taxpayer is somewhat more heavily burdened. On the other hand the city treasury loses the sums formerly received from the company by direct taxation. Neither are all the legal and overhead expenses properly chargeable to street railway operation actually included in the expenses noted above. The mayor, the council, the city attorneys, the comptroller and other officers, are paid out of general funds, although they render direct services to the street railway system. On the other hand we should note the following:

Maintenance charges both for way and way structures and for transportation equipment have been higher under municipal than under private ownership. The company in its last years of operation of the lines spent relatively little upon these items, with the result that the whole system was in a rundown condition when the city took it over. The year 1922 saw some unusually heavy expenditures for maintenance. Some lines were practically rebuilt, and 45 two-men cars were converted into one-man cars (to give but two examples).

The principal item of expense in "conducting transportation" was the pay of trainmen. The latter are given an eight-hour day and monthly wages ranging from $135 to $155 ($1,620 to $1,860 per year). In this connection it may be noted that common laborers and car repairmen are paid from $4.50 to $5 per day for eight hours' work. Their wages enter into the maintenance charges noted above. Whether these several rates of pay are too high is a question which every man will answer from his own social point of view. That the city is paying well cannot be doubted. That men could be obtained for less is equally true. At the same time, wages do not appear to have reached the peak. Despite the financial difficulties of the street railway system, the organized trainmen are now pressing the council for one day's rest in eight on pay. To counter this demand, the council proposes to shift the payroll back to the hourly instead of the monthly basis, but in so doing it may be called upon to grant an additional small increase in the hourly rate.

While the individual wage paid is relatively high, it cannot be said that the city is padding the payroll with the names of unnecessary employees. On the contrary, one-man cars are being substituted for two-men cars whereever feasible, with the result that while service is being increased the number of employees is being kept down. At the same time, labor turnover is very small.

POWER PURCHASED FROM PRIVATE COMPANY

The power expense of over $600,000 for 1922 was made up of monthly payments to the private company which formerly operated the lines and which still owns the substations and supplies the city-owned lines with current. Whether the company's charge is high or low is hardly to the point, since the city contracted at the time of the purchase of the lines to continue to buy its power from the company at set rates until the city has taken over the substations through which the current is now delivered to the street railway system. It is of interest to note, however, that in the year 1917 the company charged the lines only $79,000 for power and $19,000 for power maintenance, or $98,000 in all. Furthermore, the city may not discontinue the use of more than 5,000 kilowatts capacity per year. The present system requires in the neighborhood of 20,000 kilowatts at the peak. The city is now proceeding with the development of an immense hydro-electric plant, the so-called Skagit project, which it is estimated will ultimately produce many times the amount of current now required by the street railway lines. Several units, capable of producing 50,000 kilowatts, will be ready for operation next year. The city has already given notice of its intention to begin to discontinue its use of the company's power. In the course of about five years, therefore, if all goes well, the city will have taken over some of the company's substations and will be generating all of its own power. What the cost will then be remains to be seen, but the city expects to save money.

The writer is unable to say whether "commercial" and "general" expenses are high or low compared with what they would be under good private management.

Depreciation and amortization were charged off in 1922 at the rate of about 11 per cent of gross income. In the first year of municipal operation an unusually large sum had to be spent for maintenance of the system. The superintendent at that time took the attitude that the lines were actually appreciating in value, and that it was unnecessary to charge depreciation. The state examiner took a different view, however, and since the municipal street railway must keep its accounts in the manner prescribed by his office, depreciation has actually been charged off for each year of municipal operation. The rate of this charge amounts to about 4.2 per cent on a straight line system, using the purchase price as the basis for the purchased lines. The amounts charged off have been as follows: 1919, $499,173; 1920, $677,178;

1921, $680,629; 1922, $685,114. Only the expert could tell us whether these amounts are adequate. For the early years the sums mentioned were simply charged off. Recently, however, the city has begun to build up a cash reserve which may be used from time to time for renewals and replacements.

THE 5-CENT FARE EXPERIMENT, 1923

The 8⅓-cent fare continued in effect throughout 1922. The result was that total operating revenue rose to $6,216,000, to which enough was added from miscellaneous sources to bring the gross revenue to $6,228,102. Total operating expenses were $4,631,508, and payments required to be made under the purchase contract were $1,562,175, the total of these two items being $6,193,683. Had the gross revenues been applied to paying operating expenses, setting aside a depreciation reserve, and making the required payments under the contract, there would have been left less than $35,000 to pay the interest on other borrowings for street railway purposes and to provide for their amortization. These other debts amounted in 1922 to $1,710,000, and the annual interest thereon alone comes to over $80,000 a year. It is, therefore, entirely clear that the lines were not fully meeting all obligations from revenue.

But despite the fact that the lines were not fully making both ends meet under the burdensome conditions imposed upon them, there was a widespread opinion that fares were too high. The 3-cent fare proposal of 1922 was no sooner laid away than it began to be argued that the riders were at least entitled to having the 5-cent fare restored. The question became an issue in local politics. That element in the city which desires to have the purchase contract rewritten on the basis of a lower price undoubtedly hoped that the reduction of the fares would have the effect of making the bondholders, *i.e.*, the former operators and owners of the street railway, somewhat doubtful as to the value of their bonds and the more willing to consent to a revision of the contract. There were some who had the will to believe that if politics were eliminated from the operation of the street railways the savings would be so large that a 5-cent fare would bring in the desired revenue, but they were exceedingly vague as to what they meant by "politics" and as to just what the savings would be.

At any rate the mayor and the council made the experiment. Fares were by ordinance reduced to 5 cents, beginning March 1, 1923, and this rate of charge continued in effect through June 15. Financially the results of the experiment were almost disastrous. The increases in the number of pay passengers over the corresponding months of 1922 were below expectations. March showed an increase of 11.79 per cent; April of 13.60 per cent; and May of 14.80 per cent. Gross revenues decreased, however, as shown in the accompanying table:

	1922	1923	Decrease per cent
March........	$527,982	$377,641	28.47
April.........	511,774	362,993	29.07
May..........	519,346	373,770	28.03

Indeed, during all three months in 1923 under the 5-cent fare, the system earned less than operating expenses. The operating ratios, expense to revenue, were: March, 110.10 per cent (loss, 10.10 per cent); April, 108.63 per cent (loss, 8.63 per cent); and May, 106.04 per cent (loss 6.04 per cent). While a continuation of the 5-cent fare for a longer period might have seen the loss reduced a little more, there was no prospect that revenues would be restored to their previous figure. A refusal of the banks to cash street railway warrants finally ended an impossible situation. There was only one thing to do, namely, to admit that the experiment was a failure, and to return to the previous fares. On June 16, the old scale was restored, and there is now little likelihood that lower fares will be instituted for some time to come.

At the time of this writing complete figures for July are not available, but the figures for total passengers carried indicate that it will take a little time for the people to get back into the habit of riding at the high fares. Because of a visit by President Harding and various other events, July, 1923, should have shown an unusually large business for the street railway, but in fact the increase in the number of passengers over July, 1922, is almost negligible. The simple fact is that it is going to be hard to find more business for the street railway system of Seattle under present conditions. The cars are mostly old and poor, and the service, which is admittedly much better than it was during the last few years under private operation, still leaves something to be desired. The lines are long and crooked, uphill and down hill, for the city spreads over a number of hills and between bay, lakes and canals. The result is that a high rate of speed cannot be maintained, and that the service seems slower than it is. On the other hand the city has many miles of first-class paving, and there are many more miles of fine roads beyond the city limits, two strong incentives for a man to buy an automobile. The privately-owned automobile is undoubtedly the strongest competitor of the street railway in Seattle. Local jitney buses do not exist, for they have been kept out by council regulation.

THE OUTLOOK AND THE LESSON

What are, then, the prospects for the success of municipal operation of street railways in Seattle? To the outsider they appear to be neither very promising nor entirely desperate. Considering the success which the city appears to have made with public operation of the water supply and of the electric light plant, there is reason for feeling confident that the outcome will be satisfactory. The city will neither give back the lines, nor will it repudiate its contract with the former owners. The system is apparently being well managed. The superintendent, Mr. D. W. Henderson, is an able street railway man, who was formerly employed by the private owners of the lines. Many other employees have also been carried over from the previous régime. The whole system is being rehabilitated, and service is being improved. Operating costs are being reduced to some extent by the introduction of one-man cars and by the improvement of roadbed, tracks, and equipment. Some further savings are in sight when the city begins to supply its own current.

On the other hand the organization of the city government is such that there is an undesirable division of responsibility and authority in matters pertaining to street railway operation. The mayor, the council, the superintendent of public utilities, and the board of public works, in addition to the superintendent of street railways, all have their fingers in the pie. Questions of fares, of extensions, and of wages and salaries, are not settled on their merits from the point of view of efficient street railway management and the meeting of contractual obligations. Like other cities, Seattle needs to clear up the lines of responsibility in its municipal organization, and to develop even more highly its sense of the importance of good administration.

If the friends of city manager government in Seattle have their way, some of these problems will soon be on the way to solution. In that case it may well be that other cities will be able to turn to Seattle for instruction in the science and art of running a municipal street railway. This is, however, merely the expression of a hope. The one big lesson which other cities learn immediately from Seattle's experience is how not to buy a street railway. In some cases it may be better to buy on hard terms than not to buy at all, but in any case a city should be fully cognizant of what it is doing. It should know the value of the property it buys. It should know the physical condition of the lines and their earning capacity as nearly as these can be calculated by experts. It should not agree to terms which, as in Seattle, make street-car riding a luxury. Most of all it should disentangle itself from all direct relations with the former owners as speedily as possible. If it is feasible, it is far better to borrow the money, to pay cash, and be quits, than to go through the constant bickering and litigation between company and city which have marked the path of municipal ownership in Seattle since 1919.

AN EXPERIMENT IN NEW METHODS OF SELECTING POLICEMEN

BY EDWARD M. MARTIN
National Institute of Public Administration

A recent study, conducted in Newark, N. J., of the application of mental tests to the selection of policemen rendered very encouraging results. The method is here described for the general reader. Believing that everyone is interested in this subject we have devoted more than our usual space to it. :: :: :: :: :: ::

One application of psychological or mental tests during the World War was in the classification and selection of men by trade and job aptitude. War conditions created a demand for methods of personnel selection more precise, more reliable, and which could be more easily applied to large numbers, than the methods which were available at that time. The experimentation thus stimulated resulted in the development of a technique for personnel selection which combines the principles of mental testing and statistical methods of evaluation. Noteworthy results have been secured by applying this new technique in business, industry, and in certain branches of the civil service. It seemed worth while, therefore, to undertake a study of its applicability to a large and important branch of the municipal service—the selection of policemen.

The experimental investigation was made during June, 1922, on a group of thirty policemen in the fifth precinct of Newark, New Jersey. Mr. Charles P. Messick, secretary of the New Jersey state civil service commission, State Commissioner Edward H. Wright in charge of the Newark district, Captain P. J. Troy of the fifth precinct and

Captain James Meehan of the police training school, Newark, co-operated with the National Institute of Public Administration in making the study. We wish also to acknowledge fully the technical direction of Dr. Herbert A. Toops of the Institute of Educational Research, Teachers College, Columbia University, without which this particular investigation could not have been undertaken. We wish further to express our obligation to Dr. L. L. Thurstone of the Bureau of Public Personnel Administration for critical comment and suggestions on the text of this report.

The purpose of the study was twofold: (1) To examine the present system of police selection to ascertain if the methods now used are adapted to the end in view; and (2) to work out a selective scale according to the new technique by actual experiment with a sample group of policemen to show what results can be achieved by the new method. It is proposed to outline here in a general way the nature of the experiment, the methods used and the conclusions reached. A discussion of the statistical methods employed and tabulations of original and derived data will be presented in the *Journal of Criminal Law and Criminology.*

PURPOSE OF ANY SELECTIVE METHOD

The obvious aim of any method of selecting policemen is the securing of men adapted physically, mentally and morally to the duties of their position. Candidates must be examined for these three qualifications and their relative fitness in each determined by comparison with standards adopted by the examining agency.

Physical qualifications may be determined by medical examination and tests of strength and agility. Standards derived from actual experience are usually set up by the civil service commission. Such tests of physical fitness are easily applied by properly qualified persons.

Moral qualifications may be determined by requiring the candidate to present evidences of good character, such as affidavits from citizens, and declarations of freedom from obnoxious habits, or of a "clean" record. The obviously unfit can be culled out by several methods which may be reduced to administrative routine.

Mental qualifications, on the other hand, are more difficult to determine. And from the standpoint of practical police efficiency, they are of equal or of even more importance, for a candidate may have a robust and sound body, and have an unimpeachable character, but if he lacks mental traits found to be desirable in good policemen, his value to the department will be proportionately lessened. The present study was concerned primarily with this more important phase of the selective system —that of determining mental qualifications.

This consideration is also important from an administrative standpoint. Since the number of candidates always exceeds the number of places to be filled, it is desirable to make the elimination process both effective and economical. This may be done by examining the candidates, first as to mental fitness, then as to their physical fitness, and finally as to their moral qualifications before appointment to the department. The percentages of elimination would probably fall in this order. That is, it is probable that the ratio of the number that would be eliminated to the total number of candidates would be largest for lack of mental qualifications, next for physical disabilities and least for moral shortcomings. When mental fitness can be determined by the group examination method and physical fitness only by individual examination, it is more efficient and more economical to eliminate first the mentally unsuited.

PRESENT ENTRANCE TESTS FOR POLICEMEN

The type of examination used by most civil service commissions to determine desirable mental traits in policemen is the free-answer form of examination, the form commonly used in schools and colleges. As a means of determining a person's knowledge of a limited range of specific facts and his ability to express himself in writing, this form of test has great value. But it has certain disadvantages which become apparent if used for purposes of selection when the capacities to be measured are not so much range of knowledge or literary ability, as particular trade traits or aptitudes. Its widespread use is probably due to two reasons: that it is the best known examination form and, until recent years, there have been few alternate methods devised or made available for this purpose; and the assumption that an applicant's police ability is in direct ratio to the knowledge he possesses along certain lines supposed to be germane to police duties.

DEFECTS OF PRESENT METHOD

The present examination form has accomplished one purpose: it has set up a minimum mental requirement which has served to keep out many undesirable applicants. This form of examination, however, has certain limitations which may render it of low reliability and low validity when considered as an instrument for measuring trade aptitude.

One limitation arises from the method by which the examination is set up. Few civil service commissions have attempted to discover the relationship between the subject matter of the examination and the job requirements. The basis of selection is more likely to be supposition and conjecture than analysis and accurate determination of what the content should be.

The second limitation is that this examination form is unreliable as a precise instrument for measuring these specific abilities. This is due to the fact that even when the identity of the candidate is unknown to the rater, various irrelevant factors assert themselves to influence the rating of his examination paper. Sheer mass of written material, the physical appearance of the paper, handwriting, punctuation and general grammatical form, are features generally known to have an influence in grading written answers.

UNRELIABILITY OF UNGUIDED GRADING

A third limitation is to be found in the method of scoring examinations. The grading is done by an examiner whose personal judgment is the sole guide in determining the value to be assigned to it. Objection could not be raised on this point if considerable variation in rating standards did not occur between different raters and even for the same rater at different times. This means, obviously, that unless an entire set of examination papers is marked by the same examiner, there will be inequalities in the grades assigned individual papers.

A paper should receive approximately the same grade from the same examiner at any time or from any number of examiners. Extensive investigation in the academic world has shown, however, that such is not the case. A final examination paper in high school English was graded by 142 teachers of English in as many institutions. Variations within reasonable limits would be expected, but this paper was marked all the way from 64 to 98 per cent. Another paper, rated by the same teachers, had scores ranging from 50 to 98. A final examination in American history was graded by 70 teachers of history. One gave it a grade of 43, and another 90; a dozen rated it as 80 or above, and another dozen scored it as below 55.

Objection may be offered that English and history are too general in content and are not fair subjects for such comparison. It will be agreed that mathematics is more definite and would be a subject in which more uniformity of judgment would occur. Yet a final examination paper in geometry, scored by 114 mathematics teachers, showed differences in judgments as wide or wider than those found in English or history. One teacher marked it as low as 28, and two marked it as high as 92; a dozen marked it as 53 or below, and fourteen marked it as 83 or above. A measuring device which, in the hands of equally competent persons, gives a length of 92 feet in one case and only 28, or 30 or 40 feet in another cannot be said to be reliable.[1]

INVESTIGATION BY WISCONSIN CIVIL SERVICE COMMISSION

These findings are borne out to a striking degree by a study of the reliability of raters' judgments made by Allen M. Ruggles as service examiner of the Wisconsin state civil service commission. It was prompted by an interest in determining the weaknesses of present methods and replacing them by a more scientific procedure.

Twenty-five essays on an assigned topic were selected from an examination for the position of stenographer. The factor of handwriting was eliminated by mimeographing the compositions. This random sampling was then sent to twenty-five representative city, county and state commissions with the request that the papers be rated according to specific directions which accompanied each set. In a number of instances the marks sent in by the commission represented the average or consensus of opinion of several examiners. It would seem reasonable to assume that if unaided personal judgment were a reliable device there would be some sort of agreement between the ratings of examiners in the different commissions. But that such is not the case is demonstrated by the following outstanding facts revealed by this study:

> In two cases essay 25 received the lowest mark given by an examiner and in three cases next to the lowest mark; it also was given the highest mark by one examiner and next to the highest by another.
>
> One examiner gave a passing mark to only six of the essays while another failed only one.
>
> One essay was given zero by one examiner while another gave it a mark of 70.
>
> One essay was given a mark of 40 by one examiner and a mark of 94 by another examiner, the latter considering this essay the best in the set and the former considering it next to the poorest.

The instances cited are analogous to the methods followed and conditions surrounding the traditional civil service examination for policemen. The conclusion seems inescapable that in its present form the examination leaves the grade assigned to be determined by one whose unaided judgment, no matter how conscientious and competent he may be, may be unreliable and whose estimate may be influenced by factors other than those on which the value should be based.

STATISTICAL TEST OF VALIDITY

The purpose of any form of selective examination is to rank the several candidates in order of ability or aptitude.

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[1] These data from "Measurement of College Work," *Educational Administration and Supervision*, Sept., 1921, pp. 302, 303, 309.

How effectively it does this can be determined by comparing the ranking of a group of candidates in the entrance examination with a ranking of the same group in order of demonstrated ability after a period of service in the department. The latter ranking then becomes a criterion or standard by which the validity of any selective scale, given to the same group, may be determined. The degree of validity can be measured exactly by a statistical device known as correlation. It expresses in one numerical figure on a standardized scale the degree of correspondence or co-relationship between two such series or rankings. If each individual in the test group held the same rank-order in the selective test as in the criterion of ability, the correspondence would be perfect and would give a coefficient of 1.00 or unity. Discrepancies in individual rank-order positions in the two series are reflected in the size of the coefficients. The scale of value extends from +1.00, perfect correlation, through 0, absence of relationship, to −1.00, a perfect negative or inverse relationship between the two series. Any selective scale seeks to approximate this criterion ranking. The coefficient of correlation thus becomes an index of the validity of a selective examination evaluated in terms of a reliable criterion of ability.

This statistical test was applied to the results of the civil service entrance examinations under which the group of policemen in the present study entered the service. The correlation for the regular civil service entrance tests and the ranking in a criterion of ability gave a coefficient of −.01. This coefficient is practically zero and normally indicates complete absence of relationship between the two series—the civil service test and the police officers' estimates of ability. While this finding is extremely unfavorable for the civil service tests, it must be borne in mind that the analysis is based on a group of only thirty patrolmen. One is not justified in declaring with finality that civil service tests are valueless, although this seems to be the indication.

DERIVING SCALE OF MENTAL TESTS TO MEASURE POLICE APTITUDE

The technique which is proposed herein has both a sound basis in theory, and at the same time possesses certain advantages which accrue to the benefit of both the civil service commission and of the police departments for which selection is made. It is the aim of this study to point out what these advantages are and to show, on the basis of actual experiment, the feasibility and applicability of the method.

The distinguishing features of the technique herein proposed are that it employs principles of mental measurement and analysis of proven merit, uses exact methods of evaluation, and derives a selective scale by actual experiment under typical conditions.

The first of these characteristics pertains to the measurement of mentality. The assumption is made that just as certain physical requirements are required for police work, so also certain mental characteristics or traits are needed in the make-up of an efficient policeman. What these traits are can be discovered by investigation of men in actual service. Several tests calculated to measure various traits are given to a group of typical policemen. The ranking made in each of the tests is compared by statistical devices with the ranking in the criterion of ability and on this basis a selection is made of the combination of tests which gives the closest approximation to the criterion ranking. Other factors on which objective measurements can be obtained for the whole group may be similarly evaluated. The group may thus be ranked on such traits as height and weight, grade at leaving school, age, and previous employment. The contribution which each trait or factor has to make can be discovered and included along with the mental tests in the selective scale.

Many individuals regard as fanciful the use of pencil and paper tests of abstract reasoning to gauge trade aptitude. Especially is this true of tests which have no apparent relation to the trade in question. The explanation of this capacity lies in the fact that the same mental characteristics are needed to answer the tests as are used in the particular trade. These particular characteristics are inborn capacities which are revealed through the amount of learning or acquired intelligence possessed by the individual. With environment practically constant, differences in acquired intelligence may be said to be largely due to the innate capacities to learn. But since innate capacities manifest themselves only through learning, they may be measured only indirectly by measuring what has been acquired. Professor Colvin of Teachers College, Columbia University, has stated this theory as follows: "We never measure intelligence; we always measure acquired intelligence, but we infer from differences in acquired intelligence, differences in native endowment when we compare individuals in a group who have had common experiences and note the differences in the attainment of these individuals." [2] Men applying for police positions may be said in general to have had common experiences. Thus, an instrument such as a mental test, by measuring differences in acquired intelligence, will indicate differences in native endowment. The effort is made to discover empirically those tests which are the most efficient instruments for measuring mental traits shown to be desirable in policemen.

STEPS INVOLVED IN TECHNIQUE

The problem of working out a selective scale has three distinct phases. The first aspect pertains to the selection of the experimental group of policemen; the second has to do with setting up a reliable criterion of police ability; and the third phase relates to the detailed procedure involved in deriving the selective scale.

1. Experimental Group. If the results are to be typical of policemen, the experiment group should represent all ranges of police ability. It is also desirable to have as many in the group as circumstances will permit. The original objective was 100 policemen. Had a service rating for each member of the department been available, such a number could have been secured. But conditions encountered in building up the criterion precluded taking such a large group.

An unbiased selection of subjects was assured by having Captain Troy assign 40 men from his command to co-operate in the experiment. This co-operation was secured through the courtesy of Director of Public Safety William J. Brennan and Chief of Police Michael Long, who authorized the study under the conditions described.

A further instance of the practical difficulties met in investigations of this sort was found when it was discovered that ten men in the group joined the force before the New Jersey civil service law became effective. Since it was desired to compare the entrance ratings with the criterion, it was decided to exclude the records of these ten, so that data used in the final determinations were made from the group of thirty subjects.

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[2] S. S. Colvin, "Construction and Use of Intelligence Tests," p. 19, 21st Year Book National Society for Study of Education.

2. The Criterion of Ability. The chief concern in setting up the criterion is to find an accurate measure of the ability under investigation. Were police work a purely mechanical trade, the task would be comparatively simple. The men could easily be ranked in order of productive ability if the amount of work turned out is considered an index of ability. The product in police work might be measured in terms of the number of arrests made, disturbances quelled, criminals brought to justice, etc., were such factors equally applicable to all members of a department and were reliable information available in departmental records. Objective measures of this sort were not available in Newark so that recourse was had to the judgments of commanding officers to put the men in rank order. In order to make these judgments as reliable as possible, the following steps were taken:

1. Independent judgments were secured from four commanding officers by two different methods of ranking the men in the group. Eight separate rankings were obtained, and the criterion finally adopted was a composite of these several rankings.
2. A rating scale was devised which broke up the composite factor "police ability" into four component elements and provided for the separate rating of each element according to the principles of the human scale used in the Army during the war.
3. Several days after rating the group, the officers were asked to rank the men in the order they deemed proper by the simple expedient of sorting and arranging cards bearing the names of the subjects.

The reliability of the criterion may be determined by correlating the results from the two methods—rating and simple ranking. Such a comparison should yield a coefficient of at least .80. The two methods employed herein yielded a coefficient of .84, thus indicating a significant reliability for the criterion used as the standard for comparison in the present study.

To say that the reliability of the criterion is high, means simply that the judges retain their opinions about the men that they are rating. The high reliability of the criterion does not necessarily mean that the ratings are correct. The criterion may have a high reliability and still be incorrect as estimates of the true ability of the men. If an officer gives his men the same ratings on two successive occasions, then the criterion is said to have a high reliability. But this does not prove that the ratings are correct estimates of the abilities of the men.

One of the common defects in checking tests against ratings of ability, is that the ratings themselves fluctuate so that the rating officers are inconsistent in rating the same men on different occasions. It is this difficulty that can be shown to have been avoided when the criterion is established as having a high reliability. In establishing the criterion for the present group of thirty patrolmen this common source of error has been avoided in showing that the criterion is a reliable one, even though it cannot be proved by any statistical method that the criterion is necessarily a final and true one.

3. Evaluating the Selective Scale. The third phase of the problem—that of evolving the selective scale—may be further subdivided into four steps, as follows:

(a) Job analysis of police work.

(b) Selection of tentative tests and other factors for the experimental evaluation.

(c) Statistical analysis of data and derivation of the combination of variables (tests and other factors) which will best predict police aptitude.

(d) Applying the combination of tests and other factors derived from the above analysis.

(*a*) *Job Analysis.* In this study a thoroughgoing job analysis was made of the duties involved in police work. Commonly such an analysis is made only in terms of broad human qualities, for police work is considered to require men who are loyal, adaptable, responsible, firm but courteous, intelligent, energetic, sympathetic, incorruptible, honest, of routine temperament, etc. But such a characterization is so general and so vague that the terms mean little in outlining the requirements for a particular job. When stated abstractly, such descriptive terms render fine distinctions almost impossible. Instead, the analysis should be made in terms of concrete job processes or definite functions. These functions may then be further analyzed into mental qualities or measurable traits required in their performance. Such an analysis was made.

Police duties may be grouped under three headings as follows:

1. Regulative duties. To apprehend criminals; to enforce laws, ordinances, and departmental regulations; to perform occasional duties incidental to patrol.

2. Investigational duties. To look into suspicious-looking circumstances and places; to make preliminary examination of crimes committed on post.

3. Informational. To answer inquiries of citizens; to report to the police and other city departments on conditions on post; to submit evidence in court.

These duties would seem to involve the following mental traits:

Memory: of persons wanted, verbal instructions, residents on the post, etc.

Observation: of suspicious-looking circumstances, conditions on post, circumstances in connection with the commitment of a crime or with an accident.

Reasoning or analytical judgment: ability to recognize factors pertinent to a crime situation and to its solution; ability to evolve a tentative solution of a crime from scraps of evidence.

Ability to follow directions: capacity to comprehend and to interpret correctly orders of superior officers.

Ability to organize material for written or verbal report.

Mental alertness.

Judgment.

Determination: capacity to persist in a routine assignment.

It will be noted that the above analysis omits certain qualifications highly desirable in policemen such as honesty, courage, social mindedness, etc. The reason is that at the present time not sufficient reliance can be placed on tests of such traits to apply them in an examination of this sort. Investigation has shown, however, that there is a positive correlation between desirable traits. This means that traits such as courage, social mindedness, etc., will more probably exist in greater amount in men with these desirable characteristics which can be measured than in men who possess these measurable traits to a less degree.

(*b*) *Selection of Tentative Tests and Factors.* On the basis of the above analysis eleven mental tests were selected for the experimental evaluation. No particular test can be said to measure a specific trait. Test forms now available tend more to measure traits in combination, but the practical conditions of a job call forth combinations of traits rather than specific abilities. To test one particular aspect of intelligence is to test also related traits, for studies of the relation between amounts of desirable single traits show a direct or positive relation between such traits.

The tests selected were the following: arithmetical fundamentals; arithmetical reasoning; spelling; the "opposites" and "common sense" tests from the Army alpha series; a number copying test; two reading tests designed after the Thorndike-McCall reading tests; a speed test in forming rapid decisions; a test of ability to follow written directions; and an intelligence test which had been used in a police selective examination by the San Francisco civil service commission.

The eleven tests required 73 minutes. The additional time required for explaining the purpose of the experiment, distributing the test forms, and giving the directions for each of the tests, conveniently filled the two-hour period for which the men had been made available for our purpose.

In addition to the eleven mental tests, measurements of an objective character were secured on five other factors which lent themselves readily to analysis. Factors which may appear not to be pertinent may be found on statistical analysis to have very definite value as indicators of police aptitude. Every such factor available for use should be included, for to omit any renders the investigation of the subject incomplete. Those which have a bearing on the inquiry will be indicated by the statistical analysis.

The following factors were found to be available in the records of the police training school, police headquarters, and the state civil service commission.

Social: grade at leaving school; previous occupation weighted according to importance. Personal: height, weight and age at appointment. A derived factor-ratio of weight to height was obtained by dividing weight by height. An arbitrary scale of weights was used in grading previous occupations.

(*c*) *Statistical Analysis of Data.* In assigning the proper credits for all the tests and other factors considered to each policeman in the group, the practical effect was to give a serial ranking of the whole group in each of the variables to be evaluated. The statistical analysis then consisted in determining the extent of relationship that existed between each of the variables (tests or other ratings), and between the criterion of ability and each variable. These relationships were determined by use of statistical devices known as correlation and multiple ratio correlation formulæ. Simple correlation, mentioned previously, measures the degree of correlation between two variables. Multiple ratio correlation, on the other hand, takes into account a three-fold relationship—between a variable (say, test 1) and the criterion, the variable (test 1) and a composite combination of variables (other tests) and the variable (test 1) and each variable (or other test) in the composite. The multiple ratio correlation formula makes it possible to select from the variables being considered, the best possible combination of variables for measuring aptitude for police work. It also assigns to each variable thus selected a weighting which is an index of the relative value assigned to that particular trait as in the combination.

Suppose, for example, that instead of trying to predict police aptitude, we were trying to derive a combination of factors by which to predict height of individuals. The problem would then be to take a group of individuals and find the correlation between their height and various other bodily measurements. We might take weight; girth of chest, hips, neck, arms, legs, etc., and length of various members such as forearm, leg, etc. We would find the correlation between height, the criterion which we are attempting to predict in this instance, and each of the various obtainable bodily measurements. The degree of correlation would vary in each case. But suppose that the correlation between weight and height were .60. This is a significant relationship, but what we wish to obtain is a coefficient approximating 1.00, or perfect correlation, which would enable us to approach perfect prediction of height from the other available measurements. Our problem is, then, to pick out those factors as yet unconsidered which, when added to the factor "weight," will boost the correlation coëfficient .60 to as near 1.00, perfect prediction, as it is possible to raise it.

At this point in the analysis the multiple ratio correlation formula is applied. It is solved for each uncombined variable and the factor which gives the highest new correlation coefficient is the one selected to be added to "weight"—the original member of the combination. Separate solutions of the formula are made for each uncombined variable after each addition of a variable to the existing combination until the point is reached where no noteworthy increase can be obtained in the size of the multiple ratio coefficient.

For purposes of illustration, let us assume that successive solutions of the multiple ratio correlation formula have raised the coefficient .60 to .65 by adding girth of chest; to .69 by adding length of forearm; to .74 by adding length of thigh and to .80 by adding size of head. It would mean that by knowing the value of these five factors: weight, girth of chest, lengths of forearm and thigh, and size of head, we would be able to predict an individual's height with an accuracy of .80. While the single factor, weight, gives a validity index of .60, we may increase this index to the significant figure of .80 by taking the four other factors into account.

The formula also gives a weight for each variable added to the scale. Without this weighting, each factor would be of equal value, but some have greater and some lesser importance in the combination. Just what this value is, the formula determines in each case on the basis of the relationship existing between the variables.

Our purpose in this study has been to work out a scale for predicting police aptitude. The criterion used was police ability (as a measure of aptitude) instead of height of individuals, as in the illustration. The other variable measurements, which on preliminary analysis seemed to be related to police ability, were eleven mental tests and five measures of social and personal characteristics. Evaluating each of the variables by use of the two correlation formulæ, a combination of seven mental tests was worked out which gave a coefficient of .74. These were as follows: arithmetical fundamentals and reasoning, "opposites," common sense, number copying, reading test, and the directions test. Then, by taking the four factors: grade reached in school, height and weight at appointment, and previous occupation into account, it was found that the multiple ratio coefficient was boosted to the very significant magnitude, .80.

A multiple ratio correlation coefficient of .8 indicates normally a very high predictive value for the tests. But here again it should be recalled that this study is based on a small group of only thirty cases and that a repetition of these tests under administratively comparable conditions would be as likely as not to give a correlation of .30 or .40 or .50 instead of .80.

The obvious conclusion to be drawn from these findings is that a technique which will derive a selective scale with a validity index of .80, merits serious consideration and is preferable to methods which, in this one instance, gave an index of −.01. The findings in the present study are not offered as conclusive or as capable of universal application. The study is an illustration of method only. It is not intended as a final contribution on civil service tests for patrolmen. It does point, however, toward certain recommendations which might well be adopted if the present findings are verified in more extensive tryouts of the new test methods.

ADVANTAGES OF METHOD

The advantages of this technique may be enumerated as follows:

1. Exact evaluation of the selective scale, based on actual conditions of the job.

2. The validity of the combination of tests can be computed on a scale of value. The relative merits of each of the component elements is also known. The commission can thus appraise the merit of its entrance examination at any time. This fact should enable it to secure a more precise instrument with which to measure police aptitude, for its efforts can be applied to improving the reliability of the individual tests and the validity of the scale as a whole.

3. This form of examination has certain inherent advantages which are valuable from the administrative point of view.

(a) The test questions are so worded that the answers are either a letter, a word, a number, a phrase, or one of these underlined. In the free-answer form of examination the answer to a question usually involves extended computation or composition. Factors other than subject matter exert an unconscious influence in the grading. But handwriting is not a matter of great concern in selecting policemen. Individuals are more alike in speed of checking, crossing out or underlining than they are in penmanship.

The answers to questions are arranged so that the grading may be facilitated by use of stencil forms and scoring keys. These forms contain the correct replies to questions. The rating procedure consists in placing the form over the paper to be rated and examining for correctness the written reply appearing opposite the proper entry on the stencil form or scoring key. Individual judgment is thus largely eliminated in the rating and the process can be reduced to routine procedure. The scoring, instead of being limited to a few examiners, can be done by clerks equipped with the proper scoring keys. The task of grading large numbers of papers would thus be facilitated.

(b) The test form secures objectivity in grading, a very desirable feature since it eliminates the variation found by experiment to result with the present form when the same paper is rated by two or more examiners. The advantages of the standardized test method of gauging mental fitness have been given by Terman, as follows: It is free from personal bias; it gives approximately the same verdict any time; it does not change its opinion, and gives the same result whoever makes the test.

ITEMS OF CIVIC INTEREST

EDITED BY HARLEAN JAMES

Secretary, American Civic Association

Washington Committee on the Federal City.—During the summer Frederic A. Delano, chairman of the Washington Committee on the Federal City, has received more than one hundred acceptances for service on this committee. Subchairmen have been appointed for the following committees: Forest and Park Preservations, School Sites and Playgrounds, Housing and Reservations for Future Housing, Street, Highway and Transit Problems, Water Front Development, Architecture, Industrial Development, and Limitations and Zoning. During the autumn the committee will issue a statement outlining the needs of the District in these various lines. These statements will be sent to the members of the committees on the Federal city organized in the cities and towns of the United States. A start has been made on some thirty-five committees, largely in the far west. By the time the November REVIEW is published this number will exceed fifty and cover the middle and northwest. During the winter it is hoped to complete the organization of field committees in the southeast.

For the first time since the United States has become a populous nation a systematic attempt is being made to carry out the spirit of the constitutional provision and the will of congress in bringing home to the people of the country their ownership in, and responsibility for, the conduct of the national capital. Moreover the American Civic Association is serving as the "missing link" in bringing to the attention of non-resident citizens of Washington the needs of the capital, since no citizenry can function intelligently without reliable information. It will be the aim of the Washington committee to prepare its recommendations with great care.

⁂

Road Signs.—Transcontinental motor travel has brought about a varied development in road signs designed to promote greater safety in travel. Each state has adopted different methods, but all, apparently, recognize the necessity for warning signs on the approach to sharp curves or steep summits. Some states mark the middle of the road by paint or light-colored cement on curves and summits, trusting to the psychological effect which such a marking is sure to exert on the driver In many states crosslines are placed on the pavement three or five hundred yards from railway crossings. Presumably the driver watches the road. Warning of cross motor roads is posted in many localities.

Another class of road signs consists of those designed to direct the traveler on his way. Arrows indicating direction and mileages to specified towns and cities ahead form the first aid to keeping on the right road. Many of the transcontinental roads are further distinguished by painted poles at crossroads and infrequent intervals; others carry marks on every pole.

But the safety and direction markers are still far outnumbered in most states by the advertising signs. These often endeavor to build their publicity for wares on some road direction or safety warning so that the motorist comes to disregard many warning signs as advertisements of safety brakes or boy's clothing or lubricating oil, and the actual official sign, like "Wolf, wolf!" called too often, comes to be neglected. Added to this confusion is the further consideration that advertising signs at crossroads make it difficult to see approaching cars around corners and doubly difficult to decipher the directions from overshadowing advertisements of every commodity under the sun.

Precisely because of these considerations the Indiana highway commission has banished advertising signs from all state highways, which is a step in the right direction, but which will not be wholly satisfactory until advertising signs are banished from private property facing on these highways. Such signs have been abolished in many communities, such as residence neighborhoods, park entrances, and along particularly scenic highways. But these limitations have been in the name of beauty. The limitations which are coming to be needed in the name of safety will undoubtedly be much more far-reaching.

Traffic in Toledo.—The *Toledo Journal*, published by the Commission of Publicity and Efficiency, reports that 436 persons were injured and 14 killed by the traffic "juggernaut" in the first six months of 1923. The *Journal* contends that the perils of the forest frontier in the days of early Toledo were less than those of Toledo traffic. The summaries are interesting and, if they could be studied in comparison with similar statistics from other cities, might help to show the greatest points of danger. Of the vehicles obviously at fault in the 1,429 accidents reported to the police (1,067 of which were non-injurious, 349 injurious and 13 fatal).

967	were	passenger automobiles
202	"	trucks, light and heavy
15	"	motor buses and jitneys
19	"	taxicabs
9	"	motor cycles
18	"	city and Federal passenger cars, trucks and motor cycles
5	"	passenger trains
136	"	street cars
27	"	interurbans
31	"	horse-driven vehicles
1,426		

More accidents happened in the afternoon and evening than in the morning.

Accidents:	
A.M.	353
P.M.	1,074
Daylight	1,110
Dark	318
Dry pavement	950
Wet pavement	479
Raining	28
Male drivers	1,342
Women drivers	87
At crosswalks	93
Not at crosswalks	57

Suggestions for the types of statistics which could be kept to advantage in different cities might help in solving some of the traffic problems.

◆

Phoenix, Arizona, has a city-planning commission composed of one hundred representative men and women, who meet at intervals to pass upon city-planning matters. There is an executive committee which holds conferences between the general meetings. This is one method of securing widespread support for the city plan. Phoenix, it is claimed by its citizens, will become the largest city between El Paso and Los Angeles. The Phoenix city-planning commission has unusual opportunities to guide the character of the future development of Phoenix, which is situated in a high bowl entirely surrounded by sharply-cut mountain ranges. Seen from the top of the highest building the town is nested in palms and tropical greenery, a brilliantly-hued gem set in the golden desert sand. Some of the buildings, happily, are of the Spanish type which suits the climate and the landscape exceedingly well. A few of the buildings would seem to have been inherited from the ornate eighties, and Phoenix should be thankful when the time comes for the replacement of these structures from which so many of our cities have suffered.

◆

The San Diego Exposition which grew out of the San Francisco Exposition of 1915 was a dream of beauty. The thousands who saw it will carry with them for the rest of their lives pictures which were composed by artists, for the gardens were made of desert sand and water; but the trees and shrubs and flowers were placed by masters of landscape design and the buildings were planned by those who knew and loved the southwest. But the finest result of the San Diego Exposition is the permanent park which San Diego has acquired and the permanent buildings which it inherited and which it is now erecting to replace the temporary walls of the exposition. With such examples before its people, it does not seem possible that public or private buildings of consequence will in the future be erected of materials and design unsuited to the place.

◆

Old Santa Fe, of all the towns in the United States, is perhaps the most interesting to the traveler from the Atlantic Coast where 17th-century buildings, now all too few in number, are prized as historic relics of the past. Santa Fe lays claim to the oldest governmental building in the United States in the Old Palace, occupied by the governors and other officers of the succeeding Spanish, Pueblo, Mexican and American régimes and now the home of the Historical Society of New Mexico, the Museum of New Mexico, and the School of American Research. The low adobe walls survive from 1607, the year of the discovery of Jamestown. The Cathedral, begun in 1612, destroyed in 1680 and rebuilt in 1711–14, still forms part of the present commanding structure. San Miguel Chapel, said to be the oldest church edifice still used for public worship, was built in 1636, partly destroyed in

1680 and rebuilt in 1710. But the civic significance of these old buildings is not that they antedate the antiquities of New England or Virginia, but that they have survived to bring about a renaissance of native architecture which, if followed consistently, may gradually replace some of the red and yellow brick "errors" of recent generations by a picturesque American type of building. And Santa Fe has not escaped other civic tragedies. Its plaza, once twice its present area, has been pushed back to the size of a single square. It might still extend to the Cathedral of St. Francis of Assisi.

One recent achievement Santa Fe has to its credit. No American town is complete without a modern hotel. So the citizens of Santa Fe banded together in a civic venture to provide a suitable hostelry for their town. The result is a building modeled after the pueblos, most appealing to the eye, provided within with those 20th-century conveniences demanded by our American public whether they sojourn to visit the latest plays on Broadway, or to inspect the oldest buildings in this country.

But perhaps the most interesting institution in a town of interesting institutions, old and new, is the School of American Research under the directorship of Dr. Edgar Hewett. The school has for its objects "the study of the Native American race; the rescue of its ancient culture; the preservation of its traditions; the restoration of its arts; the recording of its history; the advancement of its welfare," and "the cultural development of the southwest; the preservation of its antiquities; the increase and diffusion of knowledge of its historic past; the revival of its architecture; the advancement of its art." It was this group which restored the Palace of the Governors and built the Museum of New Mexico now housed across the street from the Old Palace in a building which reproduces six of the ancient Franciscan mission churches in its façade and still achieves a unity of expression. The school excavates ruins, and its discoveries are quite as dramatic and picturesque as the relics from the tomb of old Tut-ankh-Amen, and much more significant to the history of these United States.

⁂

Dallas, Texas, has issued a handsome report on the park and playground system which is under the jurisdiction of a board consisting of the mayor and four citizens appointed by him, and confirmed by the board of commissioners, to serve without pay. The park system of Dallas has grown under the board from a single park to a great system consisting of 673.12 acres. This, coupled with the area of two suburban parks, gives Dallas a total area of 3773.12 acres available for recreation purposes. Thirty baseball diamonds, twenty-eight tennis courts and a number of golf links are maintained by the park board. The activities in the parks include baseball, football, basketball, track and field meets, swimming, tennis, free moving pictures and band concerts. In view of the discussion of park boards vs. park departments, Dallas would seem to score one for park boards if expansion of area and increase of activities is to be considered a gauge.

⁂

The Salt Lake Municipal Record claims that local progress in smoke abatement may be measured by five distinct advances: (1) The extent of smoke emitted from various stacks in 1922–3 was only about one half of that of the previous year. (2) Stacks in business districts are now, with few exceptions, largely clear of smoke. (3) Formerly the business district produced about 40 per cent of the smoke. Now the business district produces less than 15 per cent. At present nearly all the smoke comes from residences and railroads. (4) Last winter inspectors were appointed to caution and instruct householders. Increasingly good results may be expected. (5) Extensive work has been carried on with the railroads. Some headway has been made, but there is need for further work in this direction.

Other cities, please copy.

⁂

The Massachusetts Federation of Planning Boards, Horace B. Gale, chairman, Arthur C. Comey, secretary, has again taken up the cudgels to force action on the division of highways which is required under the law to make rules "for the proper control and restriction of billboards." The Federation makes the statement that the division has made no rules for the restriction of billboards in the most important respects recommended, such as in size, style of construction, location in regard to residences, etc. Attention is called to the fact that under the provision permitting towns and cities to draw up their own rules, subject to the approval of the division of highways, some twenty municipalities have passed ordinances or by-laws for restriction of billboards; but of these, only two, those of Newton and Milton, have been approved by the division. The Federation claims that even such rules as the division of highways has made have not been enforced consistently. In short, Massachusetts has not gained much under the billboard law which was heralded as a battle won in the war on billboards. There is every indication that this particular battle must be fought again.

✣

The State Park Conference held at Turkey Run State Park, Indiana, introduced those who attended the conference to an exceedingly beautiful stand of original timber bordering streams which had cut their way from the hills leaving vast rocks exposed to view. The southern tulip trees, grown to great size, and sturdy, straight walnuts, always a temptation to lumbermen, are now preserved in state custody for the use and enjoyment of the people. The spring flowers were in blossom and the rambles through the park were quite as important to nature-lovers as the very excellent program. Delegates were also much interested in the comfortable service of the state-owned hotel in the park.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Attitude of "Review" on Boston Paving Situation.—In the September issue of the Review, there appeared in this department an editorial comment entitled, "Controversy over Paving Contracts in Boston," which has aroused considerable discussion and apparently some misunderstanding. With the view of making clear an attitude with respect to the Boston situation, the following statement of what the aforementioned comment did and did not do is submitted:

It did take exception to certain statements appearing in a letter from the Boston Finance Commission to Mayor Curley, which was published in the *Boston City Record* of March 31, 1923, with respect to the relative suitability of sheet asphalt and bituminous concrete for pavement purposes, and the losses incurred by the city of Boston by reason of the use of one type of pavement rather than another.

It did present certain facts in support of this exception.

It did express the opinion that the case presented by the Boston Finance Commission in respect of these matters was not convincing.

It did endorse without qualification the criticism made by the Boston Finance Commission of the arbitrary methods and policy followed by the Boston city government in the matter of advertising and awarding contracts for paving as being contrary to recognized sound practice.

It did not by implication or otherwise endorse the policy or acts of the city government of Boston as against those of the Boston Finance Commission.

It did not favor the use, in Boston or elsewhere, of one type of pavement as against another type.

It did state that "There is a place for more organizations such as the Boston Finance Commission. The service furnished by these commissions should, however, always be of the highest professional standard and free from prejudice." It did not by statement or insinuation imply that the reports of the Finance Commission were lacking in the latter respect.

✣

Safeguarding the Operation of Gasoline Filling Stations.—An ordinance designed to reduce the hazards resulting from the operation of gasoline filling stations, by requiring that all motors in motor vehicles shall be stopped while these vehicles are being served or waiting to be served at such stations, was adopted during the past year by the city government of Rochester, New York. The essential provisions of this ordinance are as follows:

> The driver or operator of every motor vehicle stopping or waiting at any gasoline station used for the purpose of filling gasoline tanks on motor vehicles shall stop the engine of any such motor vehicle when the tank of any such motor vehicle is being filled with gasoline at any such gasoline station, and such engine shall not be started

> again until the cap or cover on any such tank is replaced; nor shall any such driver or operator while waiting at any such station have or keep the engine of any such motor vehicle running, except for the purpose of moving such motor vehicle and then not to exceed thirty seconds before any such motor vehicle is in motion.

Although such are of comparatively rare occurrence there have been serious accidents traceable to the running of motors in vehicles while the latter were standing at gasoline stations. This ordinance offers a means of protecting the public still further against the likelihood of accident. The adoption of similar provisions by other city governments is to be recommended.

✤

Motorists' Viewpoint an Obstacle to Safety on Public Highways.—The warped viewpoint of a certain class of motor vehicle operators with regard to what they deem their special rights in the use of the public highway is brought out in a recent editorial appearing in the *Engineering News-Record.* The editor comments as follows:

> In common with many others, we have noted with concern the growing number of automobile killings in the United States and have demanded a greater care on the part of both drivers and pedestrians and a more serious consideration of the traffic problem by the governmental authorities. To us this has seemed a most serious menace and one which is increasing. We find now, however, on reading a recent article in an automobile journal that the danger is exaggerated; that while in fact the total number of deaths due to automobiles is increasing the number per automobile is decreasing. In other words, by analogy if the number of yellow fever deaths increase there need be no concern so long as the deaths per fever-bearing mosquito decrease. Or possibly this statistician would claim that, like the dog who by ancient common law is entitled to one bite, every automobile is entitled to one accident.

That public opinion is aroused to the necessity of disabusing these operators of any false notions they may have with regard to these special rights is demonstrated both by the frequent punishment with jail sentence of those violating the traffic laws and the preparation of far more drastic legislation governing the use of highways than exists at present.

✤

New Method to Reduce Shoving of Asphalt Pavements.—The tendency of sheet asphalt pavements to creep or shove under intensive traffic, particularly when this traffic is one way, constitutes a somewhat serious disadvantage to what is otherwise a satisfactory pavement. The peculiar suitability of sheet asphalt pavement for most city streets makes it extremely desirable in so far as possible to obviate this tendency and much time and thought have been expended by engineers in the attempt to accomplish this result. A method of constructing this type of pavement developed with the latter purpose in mind, that embodies certain features which it is believed have not been tried elsewhere, has been employed during the past year in the construction of a section of the pavement on Twenty-second Street, Philadelphia. According to Mr. Julius Adler, deputy chief, bureau of highways of Philadelphia, the specifications employed on this construction differed from those ordinarily used on this class of work in the following respects:

First, provision was made for the systematic roughening of the surface of the concrete foundation by embedding a sufficient amount of crushed 1½-inch slag or stone so as to produce a succession of points projecting above the concrete from 1¼ to ¾ inches, averaging 1½ inches to 2 inches apart. Second, the aggregate in the binder course was increased in size from the usual commercial ¾-inch material up to 1½-inch size, well graded but with the larger sizes in the majority. Accompanying this change the thickness of the binder course was made 2 inches instead of the usual 1 or 1½ inches. Third, the thickness of the surface mixture was reduced to 1 inch and this mixture contained in the neighborhood of 25 per cent of clean trap rock chips.

The purpose of these changes is easily understood. The binder and surface courses as modified are intended to produce a pavement with little tendency to slip as a result of a thinning down of the surface mixture and the thickening and stiffening of the binder course by the use of the unusually large aggregate. Assuming, however, that there will always be some tendency for the pavement as a whole to creep under heavy one-way traffic, the roughening of the surface of the concrete is provided in an attempt to provide a uniform anchorage between the asphalt and the base, which will at once arrest any slipping motion on the surface of the base.

This work was completed in October, 1922, and it is obviously much too soon to expect to gain any information in regard to the success of the experiment. If it is successful, however, it may offer a practical solution of a vexatious problem.

Treating Water Supplies to Combat Goitre.—The value of treating domestic water supplies by some method of chlorination in order to protect the community against water-borne diseases, such as typhoid, has been so clearly demonstrated that practically all of our larger cities and many of the smaller ones have adopted this method of protection. Its value to public health cannot be overestimated. Obviously, the purpose of this treatment has been to prevent disease by removing the cause.

A recent proposal made by Mr. Beekman C. Little, superintendent of water works, Rochester, New York, for the treatment of the supply of that city, contemplates not alone the prevention of diseases but also combating it when already present in the human body. This plan, which was outline by Mr. Little in a paper presented before the last convention of the American Water Works' Association, is directed towards the prevention and treatment of goitre.

The latter disease is generally recognized as a swelling of the neck due to the enlargement of the thyroid gland. Iodine is a natural constituent of the thyroid gland and essential to the normal activity of that gland. The amount of iodine required is exceedingly small, but when absent the thyroid gland seeks by increase in size and surface to make up for this lack of iodine and results in goitre.

The extent to which goitre prevails is seldom appreciated. Sporadic cases occur practically over the entire world and in some districts it is prevalent to a marked degree. In North America such a district includes practically the entire Great Lakes region, the basin of the St. Lawrence, and the Northwest Pacific region. Mr. Little estimates that in the Great Lakes region, including as it does Rochester, seven out of every hundred school children are afflicted with goitre. In addition it is stated that a large proportion of all the women who consult physicians have the disease. The seriousness of these conditions may be appreciated when it is considered that there is a definite relation between goitre and cretinism or idiocy which is marked by physical deformity and degeneracy.

The essentials of the proposed treatment of water supply for combating this disease is the introduction of minute quantities of iodine into that supply. The water bureau at Rochester has already started this treatment of the water. At one of the reservoirs from which is drawn all of the water entering the city mains, the supply has been treated daily for a period of two weeks with sixteen pounds of iodide of soda. Following this treatment analysis of the water showed the iodine content increased from one part in a billion parts of water before treatment to twenty parts in a billion after the addition of the iodine salt. It is proposed to treat the water at six-month intervals, and Mr. Little states that it is probable the amount of iodide added at the time of the next treatment will be somewhat increased in order to secure a ratio of fifty parts of iodine to one billion parts of water, the latter being the ratio it is desired to maintain. The idea of dosing all water consumers is somewhat startling, but not without precedent.

In Switzerland where goitre is prevalent, it was decided last February, in one canton, to incorporate a small amount of iodine in all the table salt used. As everyone takes daily a certain amount of salt and as it is inexpensive and the Swiss government can control that article of food, it was deemed to be a most suitable carrier for the iodine. This method, however, does not seem to have the advantages of the water supply method used in Rochester. It has been estimated that in the latter city the present treatment of the water supply will result within two or three years in practically eliminating preventable goitre of which, according to Dr. Goler, health officer of Rochester, there are at present among children more than 2,000 cases annually. This experiment in community medication would appear to have sufficient merit to justify its serious consideration by public health officers in other sections of the country where preventable goitre is prevalent.

✤

Rights of Property Owners in Determining Type of Pavement and the Selection of Materials for Street Construction.—The rights of property owners in the determination of the type of pavement to be laid on streets abutting their property and the selection of materials to be used in this work, as defined recently by the Indiana supreme court, discloses information with respect to the provisions of the state laws governing these matters that deserves serious consideration. The essential features of the statute in question together with the court's interpretation of its provisions, as outlined by A. L. H. Street, attorney-at-law, in the October issue of the *American City*, are as follows:

A section of the Indiana statutes provides that when a preliminary paving resolution is adopted the board of public works shall adopt not less than four sets of detailed specifications, each describing the wearing surface of a certain kind of modern city pavement, and authorizes a majority on the street to require by petition that specifications be filed for another kind of pavement. After bids are received a majority on the street may by petition require the adoption of one of the kinds of pavement covered by the bids.

Construing this statute in the case of *McGuire* vs. *City of Indianapolis*, 135 Northeastern Reporter 257, the Indiana supreme court holds that it does not permit the property owners to designate a particular brand of material, as against another brand used in producing the same kind of paving. So, it was declared that the board in this case having adopted Mexican asphalt as a material, could not be required to substitute Trinidad Lake asphalt. The court said:

"The whole tenor of the act seems to be that the owners on the street may control the completed entity which is designated by the name of some 'modern city pavement.' But the details, specifications and manner of producing that pavement are left to the board. It is the result and not the details which those on the street have a right to control. It is for the board to say, by specifications, what test the materials shall have. It is for the owners living on the street to say whether it shall be a brick, asphalt, creosoted block, or some other 'kind of modern city pavement.'"

The findings of the court in this matter disclose two fundamental weaknesses both in the statute and in the practice followed in specifying construction materials. The first of these is the provision in the statute that permits the property owner to decide on the type of pavement to be laid on any street. This policy ignores the controlling element governing the selection of pavement type, namely traffic. Economic considerations demand that the selection of a type of pavement for any street should be made only after careful study of local conditions by competent engineers. Moreover, the engineering advisors of the city government should have the final decision in such matters. It is in this way alone that serious financial loss to the community due to the selection of unsuitable pavement types can be avoided.

The second objectionable feature noted is the use of a trade name in designating construction materials. When this is done in a specification, the latter becomes what is known as a "closed specification." The use of the latter tends to stifle competition and almost invariably results in higher cost of work. Such use is to be condemned except under unusual conditions which rarely occur. There are adequate specifications for bituminous materials in the standards recommended by the various technical societies such as the American Society for Municipal Improvements, The American Society of Civil Engineers and the United States Office of Public Roads, to meet conditions ordinarily arising in connection with street improvement work. These specifications designate the physical and chemical characteristics for bituminous materials that experience has demonstrated are required to ensure obtaining suitable materials for street construction. Their use is to be recommended. Suitable action should be taken to revise the Indiana laws governing these matters so as to make their provisions conform to recognized standards for street improvement work.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

The Ohio Institute for Public Efficiency has been engaged by the Ohio State Teachers' Association to conduct an investigation into the methods of school financing in Ohio. The inquiry will deal especially with the sources, amounts, and distribution of school revenues. It is expected that the report will be ready about December 1.

*

The National Conference on the Science of Politics was held at the University of Wisconsin, September 3 to 8, with an attendance of more than 100 university and research men. The research group was represented by Philadelphia, Detroit, Chicago and Milwaukee.

The Conference was divided into a number of round tables, each discussing some given subject in applied politics, such round tables meeting twice a day with a general meeting in the evening.

The principal result of these round tables was to indicate the value of unified consideration of political questions. Selected rather than general groups dealing with designated subjects will make more substantial progress than was evident this year. It is hoped that another year a large number of research men may attend to consider very definite problems confronting the movement.

It was determined to hold another session in 1924, the arrangements to be made by the existing committees, such meeting to be held at the University of Wisconsin, where accommodations are provided in the dormitories.

A review of the results of the meeting and of plans for next year will be made at the Washington meeting.

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Arch Mandel of the Dayton Research Association has been engaged by the Detroit Bureau of Governmental Research to supervise a survey and a reorganization of the clerk's office of the recorders' court of Detroit.

⁂

Dr. Charles A. Beard sailed for Japan on September 23 to assist in the reconstruction of Tokio. Dr. Beard recently returned from Japan after spending six months as the guest of Vicount Goto, who was then mayor of Tokio, and is now minister of home affairs, in charge of the entire work of reconstruction.

Plans had previously been prepared providing for the gradual rebuilding of Tokio along modern lines, which plans will be expedited by the present catastrophe.

Dr. Beard also took with him all available information concerning the earthquake in San Francisco and the subsequent reconstruction.

⁂

Report of Committee on Political Research.—The Governmental Research Conference appointed a committee on political research to co-operate with the committee on political research of the American Political Science Association, for the purpose of bringing together into closer relationship the political science departments of the universities, the faculties and students, with the governmental research agencies throughout the country.

The political research committee of the Governmental Research Conference made a preliminary report including the following recommendations:

1. That the Governmental Research Conference urge upon its constituent bureau members, the desirability of providing in their budgets for a number of junior training positions, such positions to pay a living wage, and to be filled so far as practicable from graduates in political science of the universities in that immediate vicinity.

2. That the constituent bureau members of the Governmental Research Conference be urged, so far as possible, to avail themselves of the services of university faculties in political science during vacation periods for which they may be particularly fitted.

3. That the Conference urge upon its constituent bureau members the desirability of assembling and making available to university students and others, a working library of manuscripts, pamphlets, and reports bearing upon applied political science.

4. That the committee on political research of the American Political Science Association be requested to determine the extent to which public administration is actually taught in American universities, and to determine the advisability of requiring a reasonable number of months of field work as a prerequisite to an advanced degree in public administration.

5. That the committee on political research of the American Political Science Association be requested to consider the advisability of directing additional students in the study of public administration, such students to make a larger use of material available in Research Bureau libraries.

6. That the constituent bureau members of the Governmental Research Conference and the departments of Political Science in universities be urged to enter into relations by which courses in public administration may be given under the direction of men engaged in active research; and that both parties promote, by all means possible, the public employment of especially trained men.

7. That the constituent bureau members of the Governmental Research Conference be urged to make specific assignments for the writing and publication of articles dealing with public administration, and concerning which adequate current material is not available; and that the NATIONAL MUNICIPAL REVIEW, so far as is expedient, be used as the organ of publicity.

8. That the committee have made and published a brief survey of administrative progress that has been made through political research, with a statement of next steps to be taken, and that the corresponding committee of the Political

Science Association have made a more comprehensive and historical study of the same field.

9. That arrangements be made for a conference in applied political science to be held at some convenient time for both university and research men, at which definite problems in political research may be considered, and a program of future research be outlined for consideration by universities and research bureaus.

Respectfully submitted,

W. F. Willoughby,
R. T. Crane,
R. M. Goodrich,
A. E. Buck,
L. D. Upson, *Chairman.*

POLITICS AND ADMINISTRATION

Philadelphia Endorses the Gang.—The Philadelphia primary, on September 18, served largely as a Roman holiday for the Republican organization. The showing of the independent Republicans was most pathetic.

Kendrick defeated Evans, the independent candidate for mayor, by a majority of 217,000. The Vare-Cunningham-Hall combine carried all of the twenty councilmanic seats except possibly one, and that is in doubt at the present writing. The combine swept also into the county offices that were voted on. The seven sitting municipal court judges were renominated. The stakes were high at the primary election because in Philadelphia nomination on the Republican ticket virtually means election.

Evans did not carry a single ward in the city, not even his own division. The independent wards went right along with the "gang" wards in the support of the organization candidates.

The women's votes for the independent ticket did not materialize either, although a special appeal had been made for their support by placing a number of them on the reform ticket.

Those in touch with politics did not expect success for the Evans campaign as a whole, but they did expect to see the independent wards send a number of unbossed men to the city council as they have done many times in the past.

The Evans campaign aroused little interest and seemed unable to present any real issues. Evans attacked the fitness of Kendrick as a business man, but succeeded in eliciting no back-fire. Kendrick and his supporters paid no attention to attacks, simply sitting tight.

Powell Evans is a successful business man who has been for years associated with reform movements in Philadelphia, and was very active in formulating and having adopted the present city charter. He is a strong-headed, positive kind of a man who does not make a popular appeal. He announced his own candidacy in the early summer with full-page paid advertisements in the press. At the same time a citizens' committee was trying to discover a candidate to make the run. Not finding a suitable man, who would accept, they accepted Evans and made up their minds to make the best of it.

After every reform administration in Philadelphia there seems to be a complete swing the other way. After Blankenburg came Smith; after Moore comes Kendrick. Kendrick is the hail-fellow-well-met type of joiner who prides himself on knowing a regiment of people by their first name. He is at present receiver of taxes, and has been for a number of years. The organization looks forward to four fat years. Millions of dollars will be spent in subway construction, sewage disposal, and water supply extension in the next four years, and on top of that comes the expiration of the lease of the city-owned gas works in 1927.

Philadelphia has given "the gang" a very definite and certain mandate which they in turn will joyfully accept.

Robert E. Tracy.

*

Columbus Manager Takes Issue with the Writer in the "National Municipal Review."—We are in receipt of the following letter from Walter A. Richards, city manager of Columbus, Georgia, taking issue with the statement of H. W. Byers that because of the weaknesses in the manager plan Columbus had three different managers in ten months. Mr. Byers' article appeared in the July number of the Review.

Editor, National Municipal Review
Sir:

My attention has just been directed to the article "Des Moines after Fifteen Years Commission Plan Government" in the July issue of the National Municipal Review.

Toward the latter part of the article, the author cites Columbus, Georgia, as one of the cities in which the "fundamental weakness in the manager plan" has been demonstrated, giving as the basis of his deduction that we had had three managers in ten months.

Being the third manager referred to, I feel that in fairness I should correct the false impression as to the success of the commission-manager form of government in Columbus.

It is true that since January 1, 1922, we have had three managers. The first was a professional city manager, who did not quite "fit in," but who established the government on a high plane of efficiency, during his six months' stay.

The next manager was a local engineer, of the highest type, who, after a most successful administration, resigned to accept a position paying between $25,000 and $30,000 a year.

These two men built up a successful, well-oiled machine, so that the writer, also a local man and inexperienced in municipal affairs, took up the reins eleven months ago and has carried on the work without difficulty.

It may be interesting to know that in less than two years we have reduced our current expense or general government fund, from an overdraft of $150,000 to a credit balance of $10,000—and at the same time given greater service to the people.

These have been primarily years of retrenchment, in as much as the administration was unwilling to go into extensive improvements, in the face of a large debt. But now, that we are on a cash basis, with no overdraft, we plan to put into effect many enterprises which will improve "the health, strength and morals of the kiddies"—and also the grown-ups.

I have no intention of criticizing Des Moines' form of government; nor do I care to enter into a controversy as to the relative merits of the two systems. But I do wish to say that the author of the above article has been unjust in his criticism of the commission-manager form of government and that his deductions as they relate to our government in Columbus are not only erroneous in principle, but contrary to facts.

Columbus citizenry as a whole believes that this form of government gives the maximum efficiency in administration; and suffers least from political blight.

Very truly yours,

Walter A. Richards,
City Manager.

⁂

City-County Consolidation in Seattle.—While the Municipal League was broaching the subject of city-manager government for Seattle early this year, the proposal for consolidation of the local governments was being pushed before the state legislature at Olympia. There are five separate authorities operating within the city limits to-day. King county, of which Seattle is the county seat, covers an area of 2,100 square miles, and its population. The school district, which is a separate corporation, covers the same area as the city. The Port of Seattle is a fourth authority operating in the same area, and there is also the so-called "Commercial Waterway No. 1," which has control of a part of the water front within the city. The consolidation of all these authorities except the county could be accomplished by statute, but to bring in the county also requires an amendment of the state constitution.

It is the opinion of many citizens, representing different interests and organizations, that important economies could be effected by the consolidation of these different authorities. Through the personal labors of Mr. Vivian M. Carkeek, a leading attorney, who has taken particular interest in this matter, a bill was drawn up last winter and presented to the legislature early in its session for a constitutional amendment to authorize city-county consolidation in cities or counties of over 80,000 population. The population class was later narrowed down to include only communities having over 300,000 inhabitants. The general purport of the proposal was that the legislature should be authorized to provide for such consolidations by general law, and that each community affected should be permitted to draw up and adopt its own charter under the general authority of the statute. The draft included also several financial restrictions applicable to any "city and county" which might become organized under the act.

The proposal was favorably received, but the legislature was heavily burdened with business of all kinds, and was limited by the constitution to a short session. When the appropriate senate committee finally took up the measure, amendments were proposed and adopted to include in the constitutional provision an authorization to consolidate with the city and county any port district, school district, or other local authority within the same area. In this expanded form the bill was favorably reported by the senate committee, but so late in the session that it could not pass. The measure now awaits another legislative session.

In view of the fact that the same organizations are supporting both the city-manager plan of government and the city-county consolidation, it is not unreasonable to expect an ultimate combination of the two proposals into a plan of organization similar to that which was worked out for Butte and Silver Bow county.

William Anderson.

⁂

Important New Jersey Decision Adverse to Zoning.—The New Jersey supreme court has recently declared unconstitutional the provision of the zoning ordinance of the town of Nutley prohibiting the erection of a combined store and dwelling upon a lot restricted to residential purposes. The court conceded that many of the features of the ordinance are valid as proper exercises of the police power, but finds nothing in the nature of a retail store to justify its exclusion from a strictly residential district. It is the opinion of Edward M. Bassett, the noted legal authority on zoning, that if this decision is sustained in the court of appeals and errors the main prop has been knocked from under the entire structure of zoning in New Jersey.

Counsel for the town so presented the case as to raise the whole principle of excluding stores from residential sections. A wiser course would have been to localize the controversy to a decision as to whether or not this particular application of the zoning ordinance were a reasonable one.

The New Jersey decision is not in accord with the recent Kansas decision in *Ware* vs. *City of Wichita* as set forth in an article by George Siefkin in the National Municipal Review for June. The Kansas court sustained an ordinance excluding a retail store from a district set aside for residential purposes. The general welfare phase of the police power was invoked, whereas in the New Jersey case consideration was confined solely to questions of public health and safety. The court did not find that retail stores were so noisy, disorderly or dangerous as to warrant their exclusion.

The decision has been appealed to the highest court in the state, the court of appeals and errors. The New Jersey league of municipalities is uniting to secure a reversal in the final court.

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Milwaukee's Public Debt Amortization Fund.—The legislature of Wisconsin has enacted a measure establishing a fund in the city of Milwaukee which is expected to grow to such proportions that ultimately the interest therefrom will wipe out the entire city debt. It is called the Public Debt Amortization Fund.

The principle underlying the plan is the fact that the city has continuous existence, outliving generations of individuals that successively constitute it, and the further fact that a fund increases rapidly through compound interest.

Citizens of the present generation are asked to make a small sacrifice in the form of a yearly investment in a fund so that citizens of a future generation may enjoy the large benefit of the elimination of the city debt and the availability of substantial sums of money at hand in lieu of taxes for carrying on important municipal projects. It means that the city will open a savings account, making a deposit yearly and compounding the interest.

The principal of the fund will never be used; it will always remain intact. The law provides that when the fund has grown to three-fourths of the outstanding bonds of the city, then three-fourths of the annual interest on the fund shall be applied to pay the interest of any outstanding bonds and to assume new bond issues of the city or for any purpose for which municipal bonds may be used.

All interest money which may accrue to the city treasury as interest earned on cash advanced for funding street improvements or delayed special assessments and one-third of all interest money on city funds will be set aside for the amortization fund. The common council may, by a two-thirds vote, pay into the fund additional moneys from any source whatsoever. Gifts and bequests may also be received.

The fund will be established with a sum of $400,000 now in the treasury from the first mentioned of these sources.

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Reproduction Cost and the Supreme Court.—We have received the following interesting letter from W. H. Maltbie, Esq., which he has kindly allowed us to publish.

> I have read with much interest Dr. Bauer's article in the September issue with regard to the decision of the United States Supreme Court in the Southwestern Bell Telephone case and, of course, agree with Dr. Bauer that the case in question did not establish reproduction cost as the measure of present value.
>
> It seems to me, however, that Dr. Bauer has made two minor errors in his discussion of the case, both of them to be found on page 530 of the article.
>
> The first of these mistakes is in the thought that the Missouri commission had based its rates upon the actual investment of $20,400,000. This statement I think is not supported by the record. The commission did not find actual

investment or any other figure for the properties as a whole. It reached its final figure by applying to the property as a whole a certain ratio resting upon valuations of three exchanges made in prior years. An investigation of the original reports of the cases on these three exchanges does not to my mind indicate that even this was a basis of actual investment, but rather that it was a reproduction cost as of these earlier dates further reduced by depreciation.

The second error is that the court allowed or found a value of $25,000,000. This again, in my judgment, is not justified by the record. The supreme court did not attempt to fix any value for the property, but it did say that there was practically uncontradicted evidence that the value was at least $25,000,000, and therefore on the record the court would hold that the value was not less than $25,000,000. This value was sufficient to make the rates confiscatory and the actual question of value was not passed upon at all, except to determine that it was not less than $25,000,000.

I am disposed to agree with Dr. Bauer that both the public and the utilities would in the long run be better off if the actual investment could be protected, but I do not agree with him that this can be brought about by any action of the state legislatures and state commissions until such time as the United States supreme court chooses to make a different interpretation of the Federal constitution. The presentation of the prudent investment theory made by Mr. Justice Brandeis is undoubtedly as strong a presentation as can be made, but its very strength only emphasizes the more the fact that it has been definitely rejected by a 7-2 vote of the supreme court. So long as that vote stands present value must remain the basis on which confiscation is measured.

⁂

Proposal of New Commercial Zoning District for New York.—The three zoning maps of Greater New York show allowable height, area and use of buildings. The kinds of use districts are residence, business and unrestricted. In business districts not only new business buildings are allowed but buildings which devote one-fourth of the floor space to light industry. The framers of the zoning resolution considered that it would be too drastic to prevent all new light industry in business districts. A millinery, clothing or jewelry store must have a workshop. Numberless small light industries are scattered throughout the business districts and are as suitable as the stores themselves. The Save New York Association has pointed out that the zoning of central Manhattan is insufficient because light industries, selling their wares at wholesale, cause the best commercial streets to be crowded with industrial workers and trucks. They say that, if New York is to keep its reputation as the shopping and wholesale center of the country, it must do something to prevent further congestion on commercial streets. They justly claim that in central Manhattan the limitation of one-fourth floor space for light industry does not have the desired effect. Halls, toilets and storerooms take up considerable space in every large building. Then when necessary showrooms and offices needed by light industries are subtracted, they say the light industry can occupy about as much space as it wants and still come within the one-quarter allowance.

It is claimed that the root of the trouble is that many light industries, like garment, millinery and fur, sell at wholesale and therefore need to employ large numbers of workmen and use many trucks. The suggestion is that the new zoning district should exclude new establishments that manufacture and sell their products at wholesale, and should limit new light manufacturing establishments to those which sell their product at retail on the premises.

There is no doubt that it would be a great benefit to many commercial streets in central Manhattan and perhaps to some in other boroughs if they could be placed under zoning regulations that would prevent sidewalks and roadways from becoming more congested. Retail shoppers, out-of-town buyers, theatre-goers and office and store workers sufficiently crowd these streets without the addition of constantly increasing numbers of industrial workers and industrial trucks. There would be plenty of room outside of these central streets for new light industry establishments selling at wholesale. The city as a whole would be benefited because it would be safer and more attractive to its thousands of yearly visitors.

Would a zoning district that excluded new light industry establishments selling at wholesale be lawful? If it could be shown to the courts that sidewalks and roadways were made safer, that fire risk was less, that streets were more passable for fire and other emergency apparatus, and that health conditions generally were improved, it is likely that the new district would be upheld.

Some might claim that it would be unreasonable to prevent a manufacturer ever selling at wholesale. Doubtless this is true. The courts would not try to prevent it. Such sales would be incidental and not the principal business. It is quite certain that the city authorities could identify and prevent the new establishments which made their principle business the manufacture and sale at wholesale. The tendency of such new establishments, especially if large ones, would be to locate outside of the new districts.

Edward M. Bassett.

◆

County Budget Commissions in Oregon.—The first tax supervising and conservation commission law was passed by the Oregon legislature in 1919. The law provided for centralized research and publicity as to expenditures, indebtedness and budgets, but the commission was given only advisory power over budgets and tax levies. Consequently, it is not surprising that many of the recommendations of the first commission were rendered futile by the lack of power to enforce them. This situation was rectified and teeth were put in the law in the 1921 session—where the vote in favor of final passage stood unanimous in the House and 21 to 6 in the Senate.

PRESENT LAW

The law of 1921 continued the requirements as to financial co-ordination and publicity, but provided in addition that the tax supervising and conservation commission should enforce its budget decisions by tax levy certifications. Briefly, the various levying boards are required, on or before the first day of October of each year, to submit to the commission their detailed budget estimates for the next ensuing fiscal year, giving historical data for three and one-half preceding years. Budget hearings before the commission are provided for. The commission is not empowered to increase items of the budget unless the increases are requested under emergency circumstances by the levying bodies and the vote of the commission has to be unanimous. The law requires the commission to direct the various levying bodies to levy certain taxes in accordance with its findings and conclusions. In case a levying body does not levy the tax certified by the commission, the commission is authorized to levy the tax on its own account and the county assessor is required to extend the commission's levy on the tax roll, all levies extended contrary to the provisions of this law being declared null and void.

The law further provides that, "Nothing contained in this act shall be construed to impair or to interfere in any manner with the right of the qualified voters of any municipal corporation to vote under the constitution and laws of the state of Oregon upon any question of incurring bonded indebtedness for any public purpose or of levying any general or special tax that may lawfully be submitted to the electors for their approval or rejection."

Another provision of the law is to the effect that increases in any item in the budgets may be made only under certain conditions and by the unanimous vote of the commission. Similarly by interpretation it has been held that reductions also may be made only by the unanimous vote of the commission. The general idea of the law is that the commission should have the power only to reduce budgets by unanimous agreement.

EFFORT TO DESTROY COMMISSION

At the legislative session of 1923, an effort was made by the enemies of the commission to destroy its powers under the guise of an amendment restricting its jurisdiction only to those levying bodies not directly elected by the people. Such a provision would take out of the commission's jurisdiction five of the six major levying bodies, and the purpose of the amendment was obvious. This bill also was defeated. The tax supervising and conservation commission of Multnomah county, created by a state law in 1921, after two years' functioning, went through the 1923 legislature unscathed.

RESULTS

Speaking of results accomplished by the commission in its two years in existence, reference to its two annual reports show that the reductions made in the budgets submitted to them have been much less than 10 per cent. A summary of the reductions in the expenditure budgets and tax levies for the two years is as follows:

	Expenditure budgets	Tax levies
1922 Budgets.........	$491,330.40	$610,806.77
1923 Budgets.........	383,107.23	536,959.53
Total two years.....	$874,437.63	$1,147,766.30

These reductions are a tangible evidence of the work of the commission. However, there are also intangible results which cannot be set down in figures. If the tax levy of one year is reduced it will automatically control the levy requested the following year because of the constitutional tax limitation; hence the effect of a tax cut in any particular year is cumulative. Furthermore, the existence of a supervisory agency, whose duty it is to scrutinize carefully all requests for expenditure and all revenue estimates, has the effect of stimulating greater care in the preparation of the budgets. The importance of comprehensive budget programs has been continually emphasized by the commission.

The commission calls attention to the fact that the budget savings which have been made have not generally resulted from large arbitrary cuts, but rather from many small reductions which aim at economy in government operation without changing the sphere of the government's work. Closer adherence to price changes, stricter accounting of property, closer estimating of revenues, and the emphasizing of the self-supporting possibilities of the various branches of work have been subjected to the commission's inquiry.

PLAN EXTENDED TO ALL COUNTRIES

The original law, although general in form, applied only to Multnomah county (Portland, Oregon), this being the only county with over 100,000 population. For two years prior to the 1923 legislature a special tax investigating committee of the legislature made a study of state and local finances. One of its recommendations was to the effect that the tax supervising and conservation commission system should be extended to each county in the state. Although there has been considerable opposition on the part of local officials in Portland, and although the work of the commission has not been of such a nature as to elicit popular enthusiasm, the recommendation of the committee was formulated into a bill which passed the House by a vote of 39 to 16, with 5 absent, and the Senate by a vote of 19 to 11, none absent.

What will happen to the tax supervising and conservation commission idea after it is tried out in the other counties of the state is a matter of conjecture. A very limited expense allowance (maximum for the outside counties being $2,500 per year) and the possibility that the wholesale appointments by the governor may at some points become involved in local factional quarrels may pave the way for ultimate defeat of the idea. At any rate it seems evident that the people of Oregon are determined to check the rapidly increasing cost of government, and this new experiment will be watched with much interest.

C. C. Ludwig.

After Three Years' Trial.—Under this caption, the Lynchburg (Va.) *News*, owned by Carter Glass, published the following editorial:

> The fact that on the first of the present month Lynchburg rounded out a three-year period under the city manager form of administration partakes of interesting significance. It brings sharply to mind the benefits which the community has derived from the application of sensible, economical, progressive business methods to its governmental affairs—from the absence of cumbersomness, and the presence of simplicity, concentration and co-ordination in the management of the various departments of municipal activities. The experiment has been of valuably enlightening and inevitably convincing import. Certainly three years of test has produced results, by the general effect of which, the city manager form of government may well challenge impartial judgment at the hands of the public. It is very easy, if one cares to do so, to recall conditions as they were in 1920 when the new form of government was formally installed here. But when pause is had to contemplate the actual results, and the sum of the changes wrought in Lynchburg since that time, a really amazing transformation is witnessed.
>
> Consider, for example, the condition of the streets of Lynchburg as existing in September of 1920, and as it is in September, 1923. Visualize Church, and Fifth, and Twelfth and Grace which aside from Main, are the busiest of the City's arteries of travel, and look upon them as they are at present. Their old rough, primitive, cobble stone surface has largely given way to the smooth brick with tar surface. But it is eminently worth while to note with some degree of detail the sum total of the street improvemen which has been carried to completion during th first three years of the present administratio Here is a more or less comprehensive resume o the results:
>
> More than 17 miles of streets or about 28 standard city blocks, newly constructed, re surfaced or reconstructed in Lynchburg durin the past three years.
>
> The newly constructed streets in that perio cover a distance of more than 9 miles, or abou 163 standard city blocks.
>
> The resurfaced or reconstructed asphalti streets completed during the past three yea cover a distance of 7.1 miles or 125 standard cit blocks.
>
> New concrete sidewalks constructed in Lync burg during the past three years cover distance of 7 miles, or 123 standard city block
>
> Frankly, until considering this phase achievement under the city manager form government, in terms first of miles, and aft wards of standard city blocks which we estima at 100 yards to the block, we did not have adequate conception of the real volume of wo

done, or the sum of results which have actually been wrought within the short term of three years. Certainly, when the official exhibit is contemplated from that standpoint, it suggests an altogether extraordinary meed of achievement. This proposition takes on especially impressive meaning when it is remembered that not one dollar of bonds was issued in order to finance the street work.

The paving of public thoroughfares, however, by no means represents the only conspicuous and commanding feature of the improvements effected in Lynchburg during the past three years. In the erection of new school buildings and in otherwise expanding local educational facilities, in sewer construction, water extensions, public health, the new city hall, and in respect to other sources of proper municipal concern, the record shows marked progress, a large wealth of valuable results accomplished, and permanent gains in substantially all matters affecting the public welfare. The *News* has been at pains to refer to the street improvement achievements of the present government merely as an example which luminously and inspiringly illustrates a general trend, the presence of a general condition. And so it happens that when the public desires to assess the worth and work of the municipal administration as now constituted, it has only to consider the large value of tangible benefits which it has afforded and which is easily discernible by the ordinary observer, the dispatch with which they were provided and the economies which entered into their construction.

Nor are the results thus attained the most encouraging feature of the situation. It is inspiring to observe how steadily to the future city manager Beck and the members of the city council are directing the definite, well-considered purpose. The proceedings, for example, at the council meeting Monday plainly indicated the presence of the forward-looking vision, of the progressive impulse, of the constructive design. Lynchburg is not resting upon accomplishments already scored, but under the guidance of its alert government, it is pressing on and on—always forward. The condition may well be stressed as of especially happy augury, as properly calculated to appeal to the unaffected satisfaction and the genuine civic pride of Lynchburg's entire population.

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TREND OF ASSESSED VALUES IN NEW YORK CITY

BY LUTHER GULICK
National Institute of Public Administration

New York has this year raised assessed values more than one and one-fourth billion dollars. Is the increase justified? :: :: ::

THE New York city tentative assessment for 1924 has just been announced. The grand total is $12,116,155,725. This excludes special franchise assessments which are made later by the state tax department and amount to some $430,000,000. The increase of 1924 over 1923 is over $1,733,000,000. Of this increase $1,109,000,000 is on real estate and $624,000,000 is on personal property.

The period for public hearings and for the filing of requests for reduction or exemption closes on November 15 for real estate and on November 30 for personal property. On the basis of past experience it is expected that a considerable part of the increase will be wiped out during this period. The best estimate now available puts the final 1924 roll at $11,630,000,000 including special franchise assessments.

GROWTH OF PROPERTY ASSESSMENTS IN NEW YORK CITY

The accompanying table presents statistics covering the assessment of real estate and personal property in

TAXABLE ASSESSED VALUES IN NEW YORK CITY
1910–1924

	Real	Personal	Total
1910	$7,044,192,674	$372,644,825	$7,416,837,499
1911	7,858,840,164	357,923,123	8,216,763,287
1912	7,861,898,890	342,963,340	8,204,862,230
1913	8,006,647,861	325,421,340	8,332,069,201
1914	8,049,859,912	340,295,560	8,390,155,472
1915	8,108,760,787	352,051,755	8,460,812,542
1916	8,207,822,361	376,530,150	8,584,352,511
1917	8,254,549,000	419,156,315	8,573,705,315
1918	8,339,638,851	251,414,875	8,591,053,726
1919	8,428,322,753	362,412,780	8,790,735,533
1920	8,626,122,557	296,506,185	8,922,628,742
1921	9,972,985,104	213,222,175	10,186,207,279
1922	10,249,995,630	210,608,045	10,460,603,675
1923	10,596,065,573	216,585,350	10,812,650,923
1924 (Est.)	11,400,000,000	230,000,000	11,630,000,000

New York city since 1910. The outstanding facts shown by this table are (1) the consistent and rapid growth in the value of New York city real estate, (2) the insignificant proportion of personal property and its gradual disappearance as a tax base, and (3) the slight extent to which real estate values have followed price fluctuations during and since the war.

PERSONAL PROPERTY

Under the New York state law debts are deductible from personal property assessments on presentation of sworn statements by taxpayers. Under this provision of the law the annual reduction of personal property assessments ranges between 70 and 75 per cent of the amount placed on the tentative assessment roll. It is, therefore, anticipated that the 1924 assessment for personal property will stand at approximately $230,000,000 in place of the $840,629,525 now carried by the tentative roll.

The phenomenal drop in the assessed value of personal property between 1917 and 1918 is due to the enactment of an income tax law for merchants and manufacturers which substituted a tax on income for the tax on assessed value of tangible and intangible personal property. The drop between 1919 and 1920 is the result of the personal income tax law which eliminated intangible personal property from the property assessment. The losses to the city as a result of these exemptions were much more than made up by the share of the income taxes returned to the city by the state under these two laws.

REAL ESTATE ASSESSMENTS

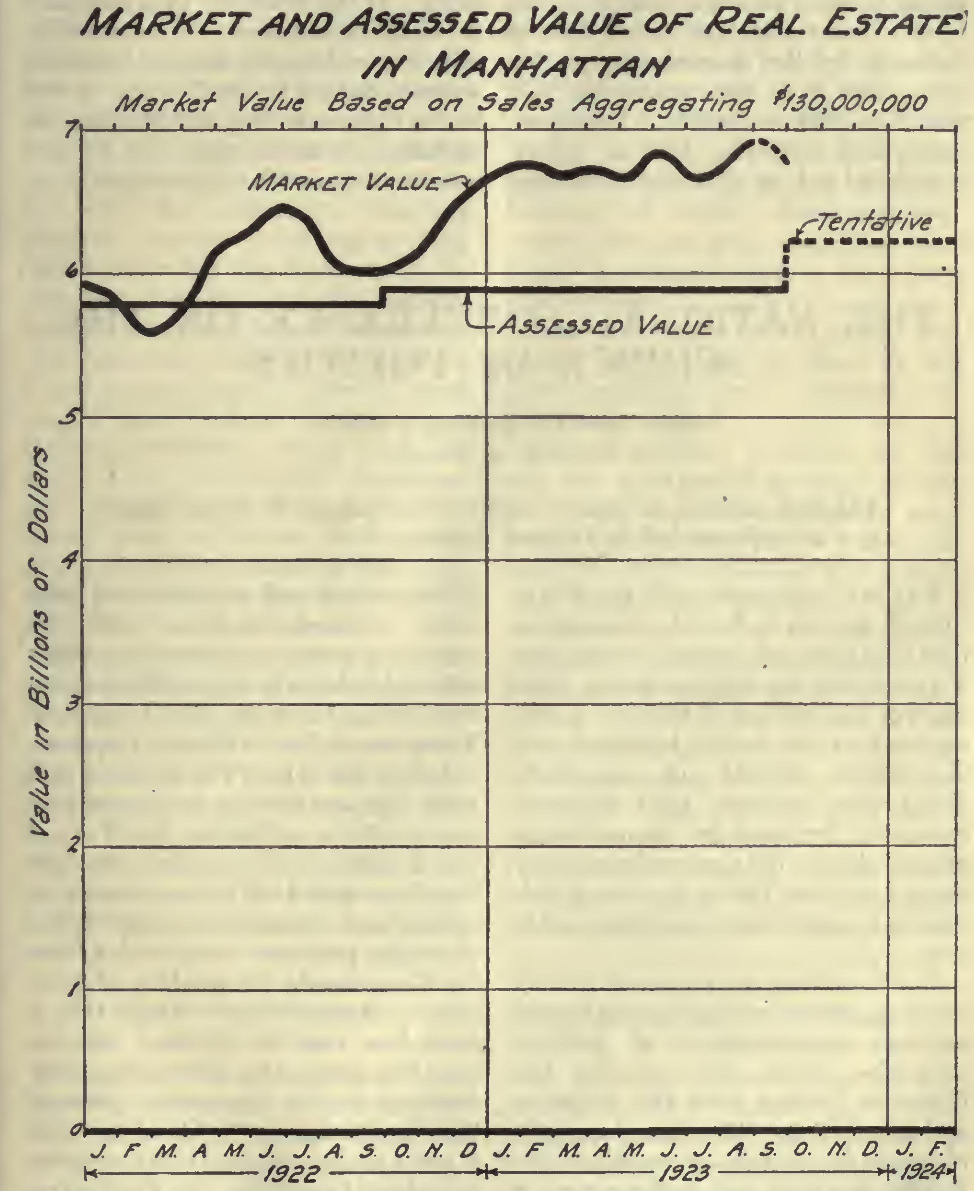
The increase in real estate assessments for 1924 over 1923 is $1,109,000,000. An examination of the building permits issued during the past two years shows that New York City is still passing through its phenomenal boom in building construction. The tentative assessment roll shows that $465,000,000 has been added to the roll because of new improvements. It is estimated that a considerable part of this increment will be wiped out as a result of the exemption which is extended by state law and municipal ordinance to certain types of new dwellings for a limited period of years. This policy of tax exemption was adopted in 1921 in order to encourage construction of inexpensive dwellings. The total exemptions granted on the 1923 roll amounted to $244,000,000. It is estimated that $180,000,000 additional will be granted on the 1924 roll, bringing the total to $424,000,000.

ACTUAL AND ASSESSED VALUES

The real estate market has been phenomenally active during the past two years. In 1921 the value of property sold amounted to approximately $50,000,000 per month. In 1922 this rose to $65,000,000 and in 1923 to $100,000,000. An active market of this character not infrequently means that real estate values are rising rapidly.

An examination of the relation of sale value to the assessed value of property changing hands indicates that this is true of the present real estate market in New York city. On the basis of the real estate statistics published by the *Record and Guide,* actual values are well above assessed values at the present time. This comparison is made only for Manhattan and covers approximately 10 per cent of the sales. On the basis of these figures assessed values were 96.5 per cent of market values in 1922. In spite of the fact that assessed values were increased somewhat in 1923, actual values increased faster, so that assessed values dropped to 86.7 per cent of sale values.

The accompanying chart shows the situation graphically by monthly periods. This chart is based on the assumption that what is true of the sample is true of the whole. The curved line "market value" is a four-month moving average, built up by averaging four months at a time, for example, January, February, March and April, and then dropping January and adding May to form a new average. By continuing this moving average through the year, an



Market value and assessed value were not far apart during 1922, but in 1923 market value began to climb and has remained consistently above assessments. Even the increased tentative valuation for 1924 appears to be below market value.

amount is found which can be plotted for the first of each month with the exception of the last two. In this chart the last two have been estimated. The staggered line "assessed value" represents the value of real estate as carried on the books. The new valuations are as of October first each year. This is indicated by the upward step of the line. The last step represents the tentative 1924 evaluation. The chart shows that increasing assessed values have failed to keep pace with increasing market values and that the tentative assessed value for 1924 appears to be well within market value when the situation is taken as a whole. This is no indication, of course, that the valuation is fair for individual properties. If the tendency thus disclosed for Manhattan is true of the rest of the city, it would appear that the increased assessed values for real estate of the entire city amounting to $644,308,162, exclusive of the increase due to new construction, is well within reason.

THE NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

BY ARNOLD BENNETT HALL
University of Wisconsin

The first national conference devoted exclusively to the development of a scientific method in Political Science. :: :: :: ::

Anyone conversant with the literature of politics is forced to recognize that it has not yet entirely escaped the *a priori* and speculative stage, while most of the writing of the day is still confined to the barely historical and descriptive method of approach. While these methods have been occasionally fertilized by the collection of comparative data, nevertheless they have been the limits beyond which political research has only infrequently gone.

It will scarcely be argued that such methods give an adequate basis for the accurate generalization of political principles. Take, for example, the literature dealing with the initiative and referendum. There are thousands of pages devoted to its consideration. But for the most part nothing more is done than to trace the history of the movement, describe and compare the different legal and constitutional principles involved, or to schedule the various *a priori* arguments on either side and indulge in an equally speculative discussion on the validity of each. There are a few brilliant exceptions, but they are rare. The result is that while this has been an active political question for a generation, few if any of the fundamental questions involved have been tested out by an exhaustive, patient and comprehensive assembling of all the pertinent facts, and a basis for the accurate formulation of principle thus established. Until this is done how can the political scientist give the public the information they desire as to the appropriate place of this device in our political system? It must not be supposed that the writer is seeking to criticise the descriptive, historical or comparative methods, other than to point out that they are inadequate to the needs of the day. They have been valuable and necessary stages in the evolution of the social sciences.

TO PUT POLITICS ON A FACT BASIS

Occasionally one hears public men criticised because they do not make greater use of the political scientist in the affairs of government. It is pointed out that reliance is placed upon physicians, engineers, accountants, etc., for information regarding technical matters pertaining to their professions. But the main reason for this apparent discrimination against the political scientist is doubtless that political science is not yet in possession of the essential facts. There is where we are vastly behind the other professions mentioned. They have developed a fact-finding technique. Their principles, in the main, have a factual basis. They are dealing with objective, tangible realities that give validity to their conclusions and win public trust and confidence.

The problem that now confronts the student of politics is how to put political science upon a similar basis of fact—how to ground its theories on objective evidence. This involves a new method and a new technique. The recent literature on the subject contains occasional suggestions, but nothing comprehensive as to methodology. And yet this is the question that really bars the way to scientific progress.

ORGANIZATION OF THE CONFERENCE

It was the consciousness of this fact that led a group of seventeen persons, who were attending the American Political Science Association at Chicago last December, to meet at the call of the writer, and to set in motion the movement for the National Conference on the Science of Politics. The writer was asked to serve as chairman and to organize an executive committee to arrange for the first conference. The committee as finally organized was as follows: Frederick P. Gruenberg, director of the Bureau of Municipal Research of Philadelphia; A. N. Holcombe, professor of Political Science, Harvard University; C. E. Merriam, professor of Political Science, University of Chicago; Luther Gulick, secretary, director of the National Institute of Public Administration; Arnold Bennett Hall, chairman, professor of Political Science, University of Wisconsin.

The University of Wisconsin was chosen as the meeting place of the first conference and September 3–8 was the date fixed.

The committee, conscious of the fact that questions of method could be dealt with only in connection with some specific project of research, organized the conference into round-table groups and assigned to each a definite subject. The list of round-tables and their leaders follows: (1) Political Psychology, C. E. Merriam, professor of Political Science, University of Chicago; (2) Survey Methods and Psychological Tests in Civil Service, W. E. Mosher, Bureau of Municipal Research, National Institute of Public Administration; (3) Research in Public Finance, F. P. Gruenberg, director of Bureau of Municipal Research of Philadelphia; (4) Legislation, H. W. Dodds, editor of NATIONAL MUNICIPAL REVIEW; (5) Political Statistics, L. D. Upson, director of Detroit Bureau of Governmental Research; (6) Public Law, E. S. Corwin, professor of Jurisprudence, Princeton University; (7) Nominating Methods, V. J. West, professor of Political Science, Stanford University; and (8) International Organization, P. B. Potter, associate professor of Political Science, University of Wisconsin.

The work of the round-tables was twofold: First, to formulate into hypothetical principles the important questions pertinent to the subject assigned, and, secondly, to find the best methods of testing out the validity of the hypotheses on a fact basis. Each round-table met every morning and afternoon, and in the evening there was a plenary session of all the members to which the round-tables were required to report the tentative results of the day's work.

ANOTHER CONFERENCE NEXT YEAR

On the last night the members voiced their confidence in the enterprise by voting unanimously to hold another conference the following year and to continue the same committee in power. It was furthermore voted to have the final conclusions of the several groups published, and arrangements have been made for them to appear in the February number of the *American Political Science Review.* Several of the groups voted to keep in touch with each other during the year, exchanging notes on their experiences in testing out the research methods that had been agreed upon, and keeping a record of the results obtained to report back to the conference the following year.

At this time it is difficult to estimate what was actually accomplished, but if the enthusiasm of the members is any criterion, the statement made by one of the most distinguished participants that "this conference marks the beginning of a new day in political research" does not seem to be without foundation. It is also significant that many members who came to the conference with honest doubts as to the feasibility of any plan to place the science of politics upon a factual basis, left the conference not only with confidence in the general plan but with the conviction that they had some idea of the methods by which this end could be attained.

It is indeed both inspiring and reassuring that ninety-three persons from twenty-two states and from forty-two institutions should come to such a conference, on their own time and at their own expense, and labor intensely for a week in a joint effort to begin laying the foundations for a real science of politics. The material sciences with their superior techniques have developed power-creating forces which have rendered immeasurable services to humanity, but which also threatened civilization itself in the tragedy of the World War. Humanity now demands a development of the power-controlling forces—the social sciences—to the end that peace and justice may prevail. In the development of these power-controlling forces, political science ought to do its share, and to this end it must seek continuously the improvement of its method and the perfection of its technique.

TEACHING TO TEACH POPULAR ADULT CLASSES IN GOVERNMENT

BY MRS. J. PAUL GOODE

The problems faced by teachers in the schools of citizenship conducted by the League of Women Voters and how to prepare for them. ::

INSPIRED by the School of Citizenship, which Mrs. Catt organized to follow the first Convention of the National League of Women Voters at Chicago three years ago, Illinois has been very active in the organization and promotion of schools of citizenship—one-day schools, three-day schools, seven-day schools, schools in church parlors, in school auditoriums, in ladies' rooms of banks, in settlement houses, in county courthouses, and in Masonic Temples, in the libraries of millionaires and political bosses, in church basements, in kitchenette apartments, and in the fearsome halls of great universities—everywhere the civic-minded might foregather.

Some of these gatherings have been made up of those who might be induced to conduct such schools, for the greatest of all problems presented in broadcasting political information is that of supplying teachers.

To these groups of potential teachers the important message, as we saw it, was clearly to establish the aims of schools of citizenship. Why *are* schools of citizenship? Are they to advertise the League of Women Voters? They are not! Are they to furnish memberships and the sinews of war to the state Leagues? They are not! That they do these things, Illinois can testify, but Illinois knows that these are but by-products. Their real aim is threefold: to establish in the hearts of the women of Illinois high standards of citizenship so that a fresh stream may help to cleanse the muddy pools of her political life; to open the eyes of our women to the new day that is dawning in the civic life of America; to show each woman her part in this new life and to give such a clear view of the field of action that each woman shall see clearly where she stands, how she is to take hold, and where she is to go next. They aim to establish connections for organized and unorganized women with the sources of political information, whether these sources be published material or public addresses or, better than these, connection with the voluntary organizations which are constantly investigating and securing material, or, best of all, to show opportunities for political action—the only school in which many of us learn very much. Unless our teachers can in some degree do these three things, set up standards of citizenship, establish connections with the sources of political information, and arouse an abiding civic interest, our one-day and our three-day schools will have little to justify their existence. Someone has said it is not of so much consequence where one *is* on any road, as in which direction one is traveling. To get our new citizens to "face front" and to furnish them with chart and compass—this, I take it, is no impossible short-term task. The idea of furnishing a "political education" in three days can, of course, be only a joke.

WOMEN NOT TRAINED POLITICALLY

The teachers themselves must have a reasonable familiarity with the published material which they recommend. They must know some simple texts to offer their pupils, and the collateral reading material which makes the dry bones of civics take on life and meaning. In addition they should have had *some* first-hand experience in actual political action. Without this last, the trumpet of the most brazen of us will give forth a mighty uncertain sound and few of our pupils will prepare themselves or anybody else for the civic battle.

Granting this equipment, there are still other indispensables with which we must endow our teachers. They must be given some idea of the conditions which they will meet in the groups which they will be called upon to instruct. Left each to herself, it would surely take the better part of her three days' school time to plumb the depths of the general feminine ignorance of civics. Let us make a clean breast of it, to our prospective teachers at least, that the average woman in the average state doesn't know how to mark a ballot, that she has never seen a ward committeeman to know it, that she doesn't know a congressional ratio from either a hawk or a handsaw. Why *should* we be expected to know much of anything of the machinery of politics? It was none of our business until quite lately, and it was none of our mother's business before us. Let us clear away the ground for a start, and let it be the ground—a place from which we may move. Let us meet our schools where they are. Let us attempt to show to every school an actual place where each may take hold on the great machinery of our civil government.

Crass ignorance, then, is to be expected, and any teacher of the ordinary citizenship school has been poorly prepared if she is astonished at finding it. Indifference, second only to ignorance, she must know how to meet, and she must have many tricks in her bag with which to beguile the indifferent, and let it be known that if she should really succeed in the effort there are many students of political science who would consider that the monster called "Political Evil" had been slain. Then let no one cavil if we urge upon our teachers the absolute necessity of using any legitimate means, avoiding only those which are unethical or which might bring discredit on the League, to arouse the indifferent.

AROUSE AN INTEREST

Tea parties, luncheons, dinners, fashion shows, baby shows, pageants, parades, dramatics, performances of school children, bakery sales, fairs, anything to "ketch your rabbit" which someone has given as the first requisite in making rabbit pie. The rabbit being safely "ketched," the teacher's energies must be devoted to holding him fast by the abounding life and sparkle and practical value of her citizenship lessons. Citizenship must be as popular and as exciting as radio. July wheat, the time signals, and Miss Johnson-at-the-piano must be made to pale into insignificance when compared with "Know Your Own Government," "The Near-End of Politics," and the "Doings of Our Town Council." Graphic materials, demonstration lessons in which each member takes an actual and active part, round-tables, debates, prize essays and contests—local material—all these must be shown to be worth all the wit and wisdom the teacher can bring to them. A receiving apparatus must be installed at every avenue to the pupil's mind. The ear has its large place when speakers and songs and slogans and concert recitations are in order, but the ear is not the only receiving station. An appeal must be made to the eye with posters, with lantern slides, with graphs, with outlines, with blackboard sketches.

Sometimes demonstration lessons that shake sleepy or too somber people out of their seats will bring life that eloquence alone cannot evoke. One of the best lessons we had, attempted to show the great importance of the office of ward committeemen. The members of the school happened to be seated at a dozen or more tables. The teacher called each table a city ward. Those at one side were arbitrarily named Democrats; those at the other side were willy-nilly Republicans. Sometimes the shock which comes from being party-labelled, without the consent of the labelled, is enough to set the intellectual pulses of the dullest member to throbbing. Each side of each table-ward chose its ward committeeman. These committeemen arose and joined their fellow committeemen in another part of the hall, the two groups thus formed making two county conventions. The two county conventions then chose their delegates to state and congressional conventions. These delegates formed four conventions which gathered in still four other parts of the hall. The congressional conventions each nominated delegates to the two national conventions, which thereupon nominated two candidates for the office of President of the United States. Thus in thirty minutes was established a vivid demonstration of the actual responsibility for the choice of the most powerful ruler in the world—The President of the United States. Each actually saw her power as a citizen, delegated to her ward committeeman, and saw that power rise on up to the White House. Never again will that group complacently sit aside when ward-committeeman is to be chosen, saying, "Ward-committeeman—what is that?" No one went to sleep, for one might be elected to something or other at any moment. Attention is the stuff of which memory is made. Life, life and yet more life, activity, interest, enjoyment, the feeling that citizenship classes are the places where the woman voters of America may tune-in on *power*, real political power—this is the spirit which we try to instill in the teaching of citizenship.

CIVIC CONTACTS

Perhaps the problem of community organization or lack of it, which means so much to the citizenship teacher, should be one of the first to be brought to the attention of the prospective teacher. Ways of gathering the unorganized have already been suggested, but where organization or overorganization already exists, our teachers should early understand ways of taking advantage of such situations by offering their attractive wares as part, not the whole, of the club menu and of making their course the high-water mark of the club year—the means of entrance to established audiences in subsequent years. They should know how to establish civic connections with leaders of civic departments of existing clubs, connections which will prove steady sources of information, which will far outrun any one or three-day independent schools of citizenship. The effort to reach the programs of existing clubs has often had, in Illinois, the largest civic harvests.

Some of the activities of our citizenship schools may seem to be superficial advertising tricks, as somewhat remote from the serious study of "efficiency in government," as crude and elementary. But let us not forget that interest is the first requisite in good citizenship, and that whatever *works* to produce it is good, and whatever *won't work* to produce it is no good, however dignified and grand and aristocratic the plan may look on paper.

THE VICE PROBLEM IN BOSTON[1]

BY ROBERT A. WOODS
South End House, Boston

Ten years has brought very substantial progress in the fight against prostitution. :: :: :: :: :: :: :: :: ::

BOSTON belongs in "the land of contrasts" so far as its reputation in the matter of sexual morality is concerned. Over against its Puritan background and what remains of its Puritan consciousness are the conditions that go with a metropolitan and cosmopolitan population approaching two million. While the prevalent Boston view has been that since the tolerated prostitution district was broken up thirty years ago, the situation in Boston has been far from extreme, it has been a common experience to hear from those who follow such matters from a more or less bohemian point of view that Boston was one of the worst cities in the country. Something like a true estimate would be found by counting out, on the one hand, the effect of Boston complacency and, on the other, a certain tendency on the part of visitors from New York to give Boston a shock, and striking a balance between the two resultants.

PROGRESS BEGAN BEFORE THE WAR

The population of the urban region is divided among some fifty separate municipalities, with police authority and most of the licensing power in the nuclear city of Boston exercised by the state. The state authority is exercised conservatively from all points of view. While it has been—with a single exception, to be referred to—notably free of any cause of gross scandal, it has been slow to undertake aggressive measures. The most striking thing that the police authorities have done since the radical action just mentioned, was the quiet but broad-scale and largely successful policy of Commissioner O'Meara for the closing of scattered organized houses of prostitution during the years before the war.

This came at the time of the appointment of vice commissions in various cities, and led up to earnest consideration by the Boston Social Union, a federation of twenty settlement houses, of the combined evil of prostitution in hotels and apartments in the tenement districts, with low-grade cafés as market places for it.

At the instance of the Union, G. J. Kneeland and his associates, who had conducted investigations in Chicago and many other cities, came to Boston and made a limited inquiry into these particular phases of the problem. Their report, in specific detail, provided ample evidence to prove that a dozen hotels were providing facilities on a large scale for prostitution and between thirty and forty liquor-selling cafés were freely affording the opportunity for negotiations preliminary to it.

Here was a situation that particularly and pointedly challenged the licensing board which, appointed by the governor, was year after year authorizing these places to continue. As the result of considerable public agitation of the subject, the present writer was appointed a member of the licensing board; and shortly afterward, with another new appointment, it became possible to establish a definite program for the remedy of these evils. After consultation with Frederick H. Whitin, secretary of the New York Committee of Fourteen, a regulation, or "request" in official language, was made calling for the refusal of hotel accommodations to all couples appearing without baggage. This had a marked effect. Two large establishments found their business seriously embarrassed, and a number of others were crippled in spite of a succession of devices to circumvent the order. This phase of the prostitution evil was thus dealt a blow from which it has never in any considerable degree recovered.

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[1] The third in our series of articles on the municipal treatment of vice.

THE CAFÉS

The question of the cafés was more complicated. They were licensed for the sale of liquor on the premises, and everybody had a right to resort to them as guests at their tables. Solicitation seemed an unavoidable by-product. The police commissioner refused to post his young men in the midst of such temptation. He held that the licensing board had its own remedy. Finally the board decided that as the café proprietor had the right to assign his guests to specific parts of his establishment, it was within the range of its powers to instruct him to assign unaccompanied women to a room in which no unaccompanied man should be allowed to enter or remain. The effect of this order was electric. No objection could be made to it as interfering with the sale of liquor to all comers. The nature of the objection was hard to phrase; but it was widespread and violent. The board finally had the most unequivocal testimony as to the effectiveness of their order when the officers of the waiters' union appeared, and stated that if the order was persisted in it would drive five hundred women onto the street, and there would be such open solicitation as Boston had never known. Fear of the police, however, very largely prevented this result, and the board had the satisfaction of learning from the police captain in the district most affected that there was less solicitation on the streets after the order went into effect than before. As a matter of fact many of the women habitues of the cafés left the city.

There were difficulties, of course, in having this order obeyed. A number of proprietors urged that they did not have adequate separate rooms, and they were allowed to put up substantial curtains. The worst place of all, which was owned by the leading brewery combination in the city, continued to disobey the order, and was finally closed. This served as a climax which led the brewery interests to organize their then great political power to secure the overthrow of the policy of the board and the displacement of the two members who made its active majority; which they were able to do.

This was in 1915. The whole situation was the subject of a great deal of publicity; and while a new atmosphere of tolerance was immediately created, the old condition of things in the cafés was never fully restored. When the United States entered the war, and representatives of the Army and Navy were assigned to Boston to see to the protection of the morals of the uniformed men, the suggestion was made by them to the licensing board that the separation order be once more put determinedly in force; an intimation which the board was quick to accept and adopt. This was the state of things at the time when national prohibition went into effect.

THE LODGING HOUSES

War-time administration brought to a head a movement which had been developing for a dozen years to deal with phases of the lodging-house problem that are conducive to prostitution and related forms of sexual immorality. The South End of Boston has 2,500 lodging houses, probably the largest compact grouping of the sort to be found in the country. The South End House in 1902 established one of its centers in the midst of this situation. When a few years later it published the results of its preliminary studies, the book was the first in any language on the subject.[2] The first step taken was the establishment of a room registry, which soon had two hundred houses on its list. These began to be regularly visited to see that they kept up to a proper sanitary and moral standard. In a district where everything seemed to be going down hill, a new kind of confidence began to be apparent. On every block in the district there came to be one or two householders who would exercise surveillance and report causes of serious offence; which were then dealt with, as far as possible, without embarrassment to the informant. Next, a district improvement society was organized through which the responsible people of the district came to know one another and learned to work successfully for the amelioration of the sanitary and moral conditions that pressed most objectionably upon them. Then a Rooming House Association was formed, through which lodging-house keepers were able to act together in fixing proper rates for rentals, in the purchase of supplies, in many detailed matters affecting their business, and in creating a better morale for life in lodging houses. These organizations have kept on continuously year after year, and have been the recognized means of bringing in a distinctly better day in the district. With honest and fairly efficient police action, a very decided change for the better has been brought about so far as forms of organized prostitution are concerned.

Somewhat the same system has now been introduced in all the other sections of the city in which there are lodging houses, with the co-operation of various institutions specially interested in those districts. And during the past few years, the method has been adopted in some seventy American cities, largely under the initiative of the Y. W. C. A.

A very important phase of the lodging-house problem in Boston is that which affects the students, of whom it is estimated that there are 20,000 in the metropolitan district away from home. Until recently there were some of our most reputable educational institutions which assumed little or no responsibility for the way in which their students were housed. The spread of knowledge and concern about the lodging population has brought the authorities of most of the educational institutions to a conviction that, when they do not provide dormitories, they must at least protect the young people under their care from insiduous influences in the households where they reside. There is, however, still a surprising residue of indifference on this point. The general evil result of this attitude is clear enough to anyone who will take the pains to study the situation. Reports from rescue homes show not a few students among their inmates.

After the original South End House study of lodging-house conditions there were two at intervals under public auspices, one made by the municipality, the other, with a special leaning toward problems of vice, by the state. In both cases, as the result of suggestion from those who were in, though not of, the situation, the licensing of lodging houses was strongly urged. This proposal was continuously objected to by the lodging-house keepers. They protested that they could not have their homes entered by the police. They were certain that the character of their establishments would be injuriously affected.

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[2] The Lodging-House Problem in Boston. By Albert B. Wolfe. Harvard University Press, Cambridge.

When the war came it was suggested to the special officers of the War Department that a license system would be a definitely useful protective measure. Through their initiative, the state government finally enacted a measure providing that every house sheltering more than five lodgers must be licensed. The landladies, when they learned that this was a war measure urged by the national government, at once acceded; and have been, on the whole, well satisfied with its operation. The registration requirement, taken with the "true name" law, has a substantial tendency in deterring couples from resorting to lodging houses for immoral purposes. It has at once given protection to the large majority of good houses and provided a weapon of great value to the police in driving undesirable establishments, organized or not, out of business. The police authorities testify that it has been one of the most important measures of many years for checking the spread of immorality in the lodging-house districts.

POLICEWOMEN

The excellent system of surveillance by women officers during the war, with particular attention to Boston Common, brought prominently to public attention the need and opportunity of regular women members of the police force. A few such have been provided. They are, however, considerably restricted in their duties; and those who are interested in this development are by no means satisfied with the situation, even as a beginning. A School of Public Service has been organized partly for the training of women for appropriate police duty, and it is hoped that within a few years there will be such a competent body of candidates as will make it easier both to create and to maintain opportunities for them. In this way progress will be made from a fresh angle against such street solicitation markets as still persist. Responsible women are deeply interested in this new field of civic service, and are determined to work out by patient and intelligent effort the possibilities that can be achieved by a corps of women officers who shall, overlapping as little as may be upon ordinary police functions, provide the full protection of law against the moral dangers that beset girls and young women at every turn in the open life of the city.

EFFECT OF PROHIBITION

Prohibition has largely completed the work of doing away with immoral hotels and cafés. It represents a very important net gain that even though there is the much discussed drinking by way of bravado among young people, the open resorts whose deliberate purpose was to provide all the incitements to immorality have disappeared. A few attempts are being made to keep up cabarets; but since the sale of liquor has disappeared from all such resorts they are not able to provide the kind of incitement which made them attractive as places for the preliminaries to prostitution.[3] It should be said, also, in this connection that the licensing board is administering its duties—including the supervision of lodging houses—in a way which, while lacking the aggressiveness in advancing the public welfare that should characterize an administrative authority, is certainly void of offence. This is one of many points at which the achievement of prohibition in destroying the organized political power of the liquor trade is producing marked results.

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[3] There is very little association of prostitution with the illicit liquor business; though one sees signs that this may develop. However, the social evil is facilitated rather by wine and beer than by so drastic a drink as bootleg whisky.

The so-called "parlor" house has practically entirely disappeared. The background of prostitution is now largely found in the apartment houses in some of the newer parts of the city. A combination of the advertising columns of the papers with the telephone is considerably used to open the way to the knowing; and there is a noticeable amount of solicitation on the main thoroughfare through the apartment house section. But prostitution has certainly lost much of the appeal that can be made through organization and publicity. There is a special police squad which raids such places occasionally; but the situation is difficult to reach, and the risk is apparently not great enough to be a serious deterrent. It is difficult to secure direct evidence under conditions which allow of so much secrecy, and which, in the nature of the case, so often limit even the preliminaries to the violation of the law to the cognizance of the two individuals concerned.

The apartment house does not provide the safeguard to public interests that is secured in the lodging house through the responsible licensed proprietor and manager. In the apartment house the janitor is usually the resident representative of the owner, and the personal conduct of the tenants is a matter over which he cannot and will not exercise control. In the total, the population of an apartment house section is often less attached and less responsible than that of a lodging-house district, and the local sentiment essential to effective policing even less in evidence. Of recent years, small apartments are being increasingly taken by women in twos and threes who formerly lived in lodging houses, including commercial employees in the inferior ranks and an increasing number of students.

For continued violations of law, there is, of course, the abatement act, but it is so unfortunately worded and requires such a succession of evidence that it is hardly available. There is a similar handicap in the wording of the law against idle and disorderly persons which makes it difficult to secure the conviction of persons engaged in street solicitation in the apartment-house region.

AUTOMOBILES

The automobile is increasingly becoming a moral danger as well as a physical one. Offering special facilities for solicitation on the part either of men in the machine or of women on the sidewalk, it can shift the scene quickly to road houses out of town or to isolated places in the open country. The automobile itself, even in the city, is increasingly utilized for immoral relations. The peril of the "joy ride" to girls simply out for adventure is illustrated in not a few tragic cases. It is felt that this general situation is one at which women protective officers could render telling service.

DANCE HALLS

It seems clear that dance halls are not resorted to at present to a large extent by the prostitute. The special evils which they represent come of the free and indiscriminate mingling of young people who would ordinarily maintain quite a range of moral standards. The type of dances and of music has somewhat improved. But there is still a sad amount of evidence in the rescue homes and in the courts of the train of tragedy which has its start in these resorts. It is also not without very definite psychological significance that as the dance hall closes, women of the street who have not been inside seem to find at its exit one of the surest opportunities of solicitation.

Police are present at all dance halls, but their services are quite perfunctory. Women officers should be on hand, and could do effective work in keeping out objectionable persons, and generally protecting the well-meaning. It has been suggested that known-sex offenders found in dance halls should be arrested; and that the dance halls should close at eleven o'clock.

A representative group, including social workers, public officials, and dance hall proprietors, has been carrying on a series of discussions with regard to the dance hall problem, and have already served to disseminate a sentiment favorable to better standards. Among other things, objectionable forms of dancing are being opposed by attractive presentations of the better way. This committee includes a representative of the high-class hotels, some of whose dances are more objectionable as dances than anything that can be found in the dance halls. And even the incidental evils are likely to be greater where the prohibition law is openly defied by the guests, as is sometimes the case in connection with society balls.

One of the most decisive conclusions in this whole matter is that the contest is between a normally satisfying kind of home life and neighborhood association, on the one hand, and the excitement of the down-town streets on the other. We hesitate before the cost in money and service involved in securing the former, dull to the fact that the latter is still more expensive. The settlement worker sees a parable which poignantly sets forth the principle in the young girls without wholesome background for their lives—and this almost unerringly so—who resort to Boston Common, where they meet the sailor boy with his starved social life. The young girl is going to have her fling—nature decrees it. When she takes the fling will she find herself in a network of neighborhood acquaintance, loyalty, chivalry and surveillance, with discerning and continuous initiative to give the courting period some sort of inspiriting resource? Or is she to cast herself helplessly into the city's down-town moral whirlpool?

THEATRES AND BOOKS

The more or less cynical outsider tells us that Boston audiences crave a low type of theatrical exhibition; but the dramatic censorship, which rests with the mayor's office, is exercised with a considerable degree of vigor, as the political following which may be tolerant of many other things is inclined to be definitely stern about this. Where City Hall lags, there is an active and judicious group of citizens which quite effectively intervenes. The Watch and Ward Society, in addition to keeping up the attack against prostitution and its preliminaries, has worked effectively against pornographic printed matter of all sorts. Its latest achievement, and one of its best, has been the organization of a protective committee of booksellers who endeavor to reach a common-sense basis as to books which they will agree together not to sell. A committee has been formed under the auspices of the society, with Dr. Morton Prince as chairman, to advise as to doubtful publications seeking a general circulation. On the side of specific positive education, there is the work of the Society for Social Hygiene and that of the state department of health in relation to venereal disease.

In general, at the risk of falling too easily into the self-satisfied Boston attitude, I feel that ten years has brought very substantial progress in the fight against prostitution. Certainly prohibition has secured an indisputable result in reducing all arrests for offences against chastity by nearly one-third; and this result shows itself in the statistics of all our public and private agencies for the care of girls and women. The greatest of all desiderata has always been felt to be the prevention of recruiting for the prostitution ranks. That is being accomplished to a degree which at the beginning of the century would have seemed rather utopian.

OUR LEGISLATIVE MILLS

V. THE LEGISLATIVE PROCESS IN ILLINOIS

The congestion at the close of the session analyzed and explained.

BY LEONARD D. WHITE
University of Chicago

I

Many features of the general assembly of Illinois suggest themselves for discussion, from among which has been selected an account of the lawmaking process. The extraordinary congestion of legislation at the end of the session which is characteristic of Illinois is the result of a complex of causes, the complete analysis of which has never been undertaken.[1] This study is a preliminary attempt to illustrate the "end of the session" rush and to point out some of the reasons which appear to contribute to it.

Although cold figures are quite inadequate to picture the closing scenes of a six months' session in which a weary legislature holds continuous meetings for fifty or sixty hours, and records itself in a monotonous and apparently endless series of roll calls on bills read by title by an exhausted clerk, while some members sleep in nearby corridors in order to relieve their fellow legislators during the night, it may nevertheless be proper to begin an analysis of causes by a statistical picture of the result. The following tables (which may be skipped by the judicious reader) indicate the progress made by the general assembly on twenty specified dates, usually at intervals of one week.

In Table I the steadily mounting figures from left to right indicate numerically the progress made from week to week at each stage of procedure. Thus the figures in stage one show the steady introduction of bills and their reference to committee, in stage six the receipt of a bill by one house from the other, in stage ten final passage by the second house.

RATE OF PROGRESS

In order to bring out more clearly the rate of progress, attention should

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[1] See, however, the following: Dodd and Dodd, *Government in Illinois*, pp. 131–149; Bogart and Mathews, *The Modern Commonwealth*.

TABLE I

NUMBER OF BILLS HAVING PASSED THROUGH CERTAIN STAGES AT CERTAIN DATES, ILLINOIS GENERAL ASSEMBLY, 1923

(Digest Number)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
(Date)	1–27	2–3	2–10	2–17	2–24	3–10	3–17	3–25	3–31	4–7	4–14	4–21	4–28	5–5	5–12	5–19	5–26	6–2	6–9	6–20
1. Introduction	105	176	229	295	376	487	563	681	793	836	952	1,045	1,110	1,166	1,228	1,320	1,366	1,388	1,398	1,404
2. Committee Report	5	6	8	21	35	72	101	143	209	219	297	357	440	533	630	735	804	871	927	1,403
3. First Reading	5	6	7	12	30	48	87	105	163	178	231	288	371	438	527	608	664	705	759	777
4. Second Reading	3	4	5	7	18	33	64	81	113	132	187	226	269	314	358	429	475	579	657	686
5. Third Reading	..	3	3	6	7	13	14	37	52	69	102	126	157	181	200	246	261	341	426	526
6. Second House Introduction	..	3	3	6	7	13	14	29	47	51	74	110	133	165	189	235	248	304	371	483
7. Committee Report	..	1	3	5	6	7	13	14	24	28	41	55	86	112	150	175	203	231	318	476
8. First Reading	..	1	3	3	5	5	8	9	16	17	28	31	53	78	112	140	150	180	247	436
9. Second Reading	..	1	1	2	4	5	7	8	11	11	21	28	41	50	79	111	123	146	180	419
10. Third Reading	..	..	..	1	3	3	5	6	8	10	14	20	29	33	34	57	62	71	85	380
11. Governor's Action	..	..	..	..	..	..	3	3	6	7	10	10	21	29	32	41	51	61	62	358

NOTE ON PREPARATION OF TABLE. The *Legislative Synopsis and Digest*, of which twenty numbers appeared during the last session, gives week by week the status of each bill. The normal stages through which a bill passes are eleven:

1. Introduction and reference to committee.
2. Committee Report.
3. First reading.
4. Second reading.
5. Third reading and passage.
6. Introduction in second house and reference to committee.
7. Committee report.
8. First reading.
9. Second reading.
10. Third reading and final passage.
11. Approval or veto by the governor.

These stages are not entirely inclusive; occasionally a bill is referred to two committees, sometimes recalled to an earlier stage, sometimes goes to conference; but substantially the whole work of the Assembly can be compressed into these stages.

This table is made up by analysis of each Digest.

TABLE II

NUMBER OF BILLS HANDLED DURING SPECIFIC PERIODS AT DIFFERENT STAGES, ILLINOIS GENERAL ASSEMBLY, 1923

(Digest Number)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Totals
(Date)	1–27	2–3	2–10	2–17	2–24	3–10	3–17	3–25	3–31	4–7	4–14	4–21	4–28	5–5	5–12	5–19	5–26	6–2	6–9	6–20	
1. Introduction	105	71	53	66	81	111	76	118	112	43	116	93	65	56	62	92	46	22	10	6	1,404
2. Committee Report	5	1	2	13	14	37	29	42	66	10	78	60	83	93	97	95	79	67	56	476	1,403
3. First Reading	5	1	1	5	18	18	39	18	58	15	53	57	83	67	89	81	56	41	54	18	777
4. Second Reading	3	1	1	2	11	15	31	17	32	19	55	39	43	45	44	71	46	104	78	29	686
5. Third Reading	..	3	0	3	1	6	1	23	15	17	33	24	31	24	19	46	15	80	85	100	526
6. Second House Introduction	..	3	0	3	1	6	1	15	18	4	23	36	23	32	24	46	13	56	67	112	483
7. Committee Report	..	1	2	2	1	1	6	1	10	4	13	14	31	26	38	25	28	28	87	158	476
8. First Reading	..	1	2	0	2	0	3	1	7	1	11	3	22	25	34	28	10	30	67	189	436
9. Second Reading	..	1	0	1	2	1	2	1	3	0	10	7	13	9	29	32	12	23	34	239	419
10. Third Reading	..	..	..	1	2	0	2	1	2	2	4	6	9	4	1	23	5	9	14	295	380
11. Governor's Action	..	..	..	..	..	..	3	0	3	1	3	0	11	8	3	9	10	10	1	296	358
(Totals)	118	83	61	95	133	195	193	237	326	116	399	339	414	389	440	548	320	470	553	1,918	7,348 (Grand Total)

be turned to Table II. This table is made up by subtracting digest one from digest two, stage by stage, and gives, therefore, the exact number of bills moved along at each stage during any specified period. Thus during the interval covered by the second digest, 71 bills were introduced, one was reported from committee, one was given first reading, and so on. The vertical totals give week by week the number of moves made all along the line; thus during the interval covered by the ninth digest, 326 moves were made, while during the interval covered by the third digest only 61 moves were made. The horizontal totals give the total number of bills which passed through any given stage; thus 1,404 bills were introduced in the two houses, 380 went through the stage of final reading in the second house, of which 358 were passed and sent to the governor for approval or disapproval.

WHAT THE TABLES SHOW

Certain facts appear from consideration of these tables.

1. The peak loads stage by stage are approximately

Stage 1	March 20–30
Stage 2–3	May 7–19
Stage 4	May 14–June 9
Stage 5–6	May 29–June 20
Stage 7–10	June 11–June 20
Stage 11	June 20–June 30

This indicates a steady accumulation of business toward the end of the session.

2. Bills were introduced without any appreciable slackening until May 19, or throughout five of the six months of the session.

3. Each house was primarily occupied with its own bills until June 5, the twenty-second week of the session. No substantial number of bills passed from one house to the other until the

week ending April 14, following which from ten to twenty bills were received by each house from the other.

4. No substantial number of bills passed the stage of second reading in the second house (stage 9) until the week ending May 12, the nineteenth week of the session.

5. The latter stages of the legislative process were very seriously crowded into nine legislative days commencing June 11. Of the bills that reached the second reading stage (stage 9), 239 were dealt with from June 11 to June 20, or 56 per cent; of 380 bills that reached third reading stage (stage 10), 295 were dealt with from June 11, or 77 per cent; and of 358 bills presented to the governor, 296 were dealt with from June 11, or 82 per cent. As the result of the work of the first 16 weeks, ten bills were sent to the governor; during the last nine days 296 bills were sent to him. From June 11 to June 20, a period of nine working days, 476 bills were killed, 100 bills were given final passage in the house of their origin, and 296 bills were sent to the governor. Forty per cent of the total movement of legislation came in the month of June.

6. The monthly record of final passage of legislation (stage 10) by the two houses throws further light on the same situation.

Month	*Bills passed*
February	3
March	5
April	21
May	33
June	318

This table indicates that from January to June, 62 bills were enacted, while from June 1 to June 20, 318 bills went through the assembly.

7. The daily record of final passage emphasizes the same point.

	Bills
June 12	10
13	4
14	28
15	62
16	10
18	39
19	133

The general conclusions to be drawn from this evidence, which is typical of Illinois, is that on the whole the Illinois general assembly does the work of general consideration of legislation in a leisurely fashion during an extended period running from January to about the first of June; whereupon it enters upon a period of making decisions in rapid succession, operating under considerable pressure of time and usually finally forced to enact legislation by wholesale with only the slightest regard for due consideration and sometimes with only a very hazy notion of what actually has taken place. During the notorious end of the session rush of 1921 it was charged without contradiction that over a hundred items which had never been considered by either house before were inserted by a conference committee in a general appropriation act. By rule adopted in 1923, a repetition of this scandal is made impossible.

II

Of more interest than the statement of results is the inquiry about causes. Why do the citizens of Illinois view with each succeeding general assembly a recurrence of this unstatesmanlike way of doing public business? No single answer can be given to this question, for many causes seem to be at work. To some of these attention will be directed in the following paragraphs.

WHY THE DELAY?

By way of elimination it may be said at the outset that the delay of legislation is not due to absenteeism, as the record of attendance is on the whole good; nor is it due to closely contested party conflicts, since the Republican party usually has a large working majority; nor is it due to excessive debate or filibustering. Neither can it be said that delay is due to a low standard of individual achievement among members, for while many members are inconspicuous, yet many able men sit in the general assembly.

Nearly a month is consumed in making up the committees. This task devolves upon the speaker individually, who after his election makes a request of members for an indication of their preference for committee assignments. These are slow in coming in; and once in, usually present a difficult job in trying to satisfy the ambition of every member. Usually every member of the majority party secures a committee chairmanship in the senate; if there is a dearth of committees, new ones are created. Much of this delay might be obviated by definitely charging the party leaders in a newly elected assembly with the duty of making preliminary inquiries and assignments before the opening of the session.

The committees are large and difficult to adjust to the needs of dispatch. Quorums are not always easy to get together, chairmen are sometimes lax, or sometimes fail to call committees in order to block a bill personally objectionable; overlapping membership makes conflicts difficult to avoid except by frequent delay and postponement. The distribution of work among committees is extremely uneven. Some committees have almost nothing to do; other committees consider hundreds of bills. In all, 797 bills were referred to house committees in 1923. The judiciary committee handled 241, the appropriations committee 104, the committee on municipalities 57, on education 52, a total of 454. That is, four committees handled over one half the work. On the other hand, the committee on civil service received 9, the committee on banks 8, on charities 4, and on military affairs 4, a total of 25.

The legislature meets during the most of the session for only two working days. Travelling to Springfield on Tuesday, the members work Wednesday and Thursday morning, adjourning in time to catch the noon train to their respective homes or offices. These dilettante habits, accentuated by occasional tours of inspection, give way in June to an iron determination to plow through the necessary legislation by the date of final adjournment.

There is a wholly inexcusable delay in presentation of matter for consideration. Examination of stage one indicates a steady flow of new propositions from January to June. For this members are in part responsible; occasionally undesirable legislation is withheld until the end of the session, when it is hastily introduced and quietly pressed through in the final rush. A substantial part of the responsibility, however, falls on the various interests and civic groups which are really responsible for much of the legislation introduced. Their programs are incomplete and crystallize frequently well along in the session, rather than at the beginning of the session.

FACTIONAL—NOT PARTY—DISPUTES

A substantial retardation of the legislative process is caused by factional disputes. The dominant party in Illinois is divided into three factions, feeling between which at times runs high. These factional quarrels consume much time and energy in themselves, tend to divert the attention of the legislature from its real task, and not infrequently cause the defeat of meritorious legislation put forward by some one group. During the present session these factional disagreements have been responsible in part for an attempt to impeach the governor, for much unwarranted influence exerted in the legislative chambers by the governor, for the vigorous use of the veto power against appropriations and legislation favoring hostile camps and for fastening upon one house a control which probably was not desired by the majority.

Of greater importance in the long run are certain deep-seated differences of opinion among legislators concerning the wisdom of important matters of legislation. Bills providing an eight-hour working day for women in certain industries have been presented to the last two general assemblies, and have revealed wide divergencies of opinion, each supported by strongly organized interests. Long committee hearings (picturesquely referred to as field days), extended debates, and much parliamentary manœuvering have so far failed to secure any decision. The enforcement of the eighteenth amendment divides the legislature into a sharply defined majority and minority. The organization of a state police has projected an inconclusive struggle between organized labor and organized capital. The real or fancied divergence of interest between Chicago and down state, a matter which came to dominate the recent constitutional convention, appears in the work of the legislature. The difference of opinion between conservatives and liberals in the matter of the method of amending the state constitution furnishes still further matter of controversy. In short, as in most legislatures, there are fundamental differences of opinion which necessarily make progress slow.

A feeling is more or less widespread among members of the general assembly that their bills have a more favorable chance if brought up for final disposition well toward the end of the session. This contributes materially to the congestion of business. This attitude is said also to be characteristic of the older members of the general assembly although in their case from a different angle. In the general excitement and turmoil of the last few days they are able with their command of parliamentary procedure and their unseen control of the legislative machinery, arising from their familiarity with its operation, to dictate what legislation shall go through and what shall be blocked.

NO ORGANIZED LEADERSHIP

Finally may be observed a general lack of well-organized leadership within the assembly. The governor has from time to time supplied what the legislature failed to produce in the matter of leadership; thus Governor Lowden from 1917 to 1921, and Governor Small during the session of 1921. This leadership is not, however, always forthcoming and has never been adequate to correct the tendencies to drift which seem to predominate. The lieutenant governor as presiding officer of the senate has been quite ineffective; the speaker of the house, on the other hand, has been able to forward business and within limits to guide the house. Too much depends on the accident of factional combination in selecting the speaker and on the personal qualities of the man to insure adequate leadership from session to session.

An attempt was made in December, 1922, to get together a group of anti-Small Republican senators to take control of the senate. Although a sufficient number was at one time in accord, their ranks were soon broken and the senate organization fell into the hands of the Small faction. The caucus is not a means of unifying party leadership in Illinois, and indeed the party as an organization outside of the legislature exerts little influence.

No systematic or comprehensive program of legislation is ever laid before the general assembly. Legislation is considered piecemeal, without any related sequences, in no logical order, and in no significant chronological order. Each member introduces whatever bills he has prepared, or for which he is willing to become responsible. The bill goes to a committee, which thereupon becomes master of its fate until it has been reported out to the house. The member who introduced it then resumes charge of the bill and undertakes to secure its passage through the house. If successful the bill goes to the other house and the member must resign himself to watch with patience the decision of another committee and the personal efforts of another member to carry the bill through the second house. If finally successful the hazard of the governor's veto remains.

The success or failure of the bill depends in part on its merit, more often on the pertinacity, popularity, or skill in negotiation possessed by its sponsor. He may be blocked by faction or his own ineptitude or by the opposition of the governor; but he can appeal to no organized leadership for assistance. There is no time limit on the committees; they may report at any time during the session and as a matter of fact some hundreds of bills are always laid on the table at the end of a session without any report. Unless the member responsible for the introduction of the bill urges committee action, the bill probably will lie undisturbed throughout the session; and even though he urges action, the committee may fail to respond.

In the matter of financial legislation recent statutes have evolved definite responsibilities. An executive budget is drawn up for the governor by the director of finance and sent to the appropriations committee, the chairman of which has built up an effective personal leadership in finance matters. This is reflected in the history of the various appropriation bills of the recent session, of which seven were carried through the house in March, twelve in April, thirteen in May, and nine in the early days of June. Making due exception for the work of the appropriations committee, it remains true that on the whole the state legislature is leaderless; and deprived of energetic direction it tends to drift until it finally comes to a day of reckoning. The accounts are then balanced by feverish activity combined with a minimum of consideration.

III

GENERAL RESULTS

Some of the results of the legislative process in Illinois may be suggested in conclusion. Omitting to speak of the considerable physical and mental strain which members impose upon themselves and the undignified and sometimes unworthy scenes which accompany the final hours of the session, we may turn attention to some of the more general results. The congestion of legislation described above necessarily leads to lack of proper consideration of measures some of which make their first appearance only in the last week or ten days; civic organizations, the public, have no opportunity to learn what is transpiring and consequently are unable to make their voices heard. There develops an admirable opportunity for deception of the members themselves, who are frequently seen rushing about to find someone who will tell them how to vote. It is said that not more than three persons really knew what was in the Chicago charter enacted by the Illinois Assembly of 1907.

The situation lends itself to manipulation. It likewise lends itself to control by the old-timer, who knows the parliamentary game, who keeps his head and who senses the feeling of the assembly in a way quite impossible to the "green" member. At this time are discovered the possibilities of the conference committee whose report, delivered at the last moment, is never understood by a majority of those voting on it.

The governor's desk is swamped with bills awaiting his signature. Governor Small had over two hundred to deal with in the last two weeks of the recent session, requiring him to give consideration to nearly twenty per day. In Illinois the new legislation normally takes effect on July first; the great bulk of it is approved by the governor in the week immediately preceding; and the citizen finds himself in the awkard situation of being subject to the penalties of a statute the publication of which is still a matter of two months in the future.

COMMENTARY UPON THE COMPARATIVE TAX RATES OF 177 CITIES, 1923

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research

One year ago (December, 1922) the "Review" published a tabulation of the 1922 tax rates of 32 cities in the United States and Canada, giving the rates in detail by purpose and the total rate adjusted upon a uniform basis for comparison.

This year, the Detroit Bureau of Governmental Research, in collecting and tabulating the 1923 tax rates, has expanded the list to include 165 cities of the United States and 12 cities of Canada having in excess of 30,000 population. :: :: :: :: :: :: :: ::

The tabulation was prepared upon the same basis as in previous years. The primary purpose is to make available a statement of the total tax burden upon property in each city, expressing that burden in tax rates per $1,000 of uniformly assessed property. The subject is of particular interest at a time when popular impression is that contributions toward the support of our local governmental units are an unduly heavy drain upon both individual and business.

To arrive at a comparable basis for all cities, it was necessary to adjust the given rates to a uniform 100 per cent basis, due to varying legal bases in some states; further adjusting according to the estimated practical application of the legal basis. Within the five groups of cities recognized by the census bureau, the cities were then ranked according to the amount of the tax burden so ascertained.

The resulting rates should afford a basis of comparison, particularly among similarly sized cities, while a detailed analysis of certain rates should prove salutary for many cities. The end sought seems a direct and simple one, yet the compilation of the figures belies the assumption.

In general, it is well to paraphrase the adage: "A little knowledge—of tax rates—is a dangerous thing." The entire table contains warnings to interpret the figures with understanding and use them with caution. In each phase of the compilation, distinct problems and conditions arise to affect the final figures.

TAX-LEVYING DISTRICTS

First, there is the problem of the diversity in taxing units, each with its own fiscal period and tax-levying and collecting time.

A city's fiscal period begins at a certain date, while the other subdivisions may have different fiscal periods. Because the city is the predominant unit, usually with the highest rate and of most direct concern to the citizen, its fiscal year governs in the tabulation. It is essential, however, that the tax-collecting period for the year 1923 should begin prior to September 1, in order that the figures represent the tax burden during the current year. The rates for the other political units are entered for their fiscal period that best expresses the 1923 burden.

In some cases the city is the taxing unit for both the municipality and the schools, as in Massachusetts and New York. It is then difficult to get the split of the rate for the two purposes, although this might easily be furnished upon the basis of budget requests. Again, schools may be allotted a percentage of all municipal revenues, as in Atlanta, when the separate rates must be estimated. Frequently, the county and state levies are combined, although division of the rates should be possible also upon the budget basis.

Taxes are occasionally collectable prior to the year they are to finance, but more often from one to eighteen months after. Many Massachusetts cities collect taxes when the fiscal year is nearly expired, with the result that at the beginning of each year the fiscal officer is authorized to borrow on short-term loans in anticipation of taxes, the discount on such rates in 1922 in one city of 40,000 amounting to $22,000. Hamilton, Ontario, is an extreme case of delayed collection.

There is a variation in the number of governmental units property in different cities is called upon to support. This is evident from the table and notes accompanying it. As examples, Pennsylvania and California have no state property tax, and Rhode Island has no counties. Virginia cities are outside the boundaries of counties. Whether these reliefs from governmental machinery result in financial relief to the taxpayer is a problem meriting consideration.

CLASSIFICATION OF PROPERTY

A second factor affecting the total tax rate is the tendency to classify property.

Not in all cases reported in the table can the total tax budget be ascertained by applying the rate to the assessed valuation. This is due to the fact that realty is taxed at one rate, while personalty may be taxed at a lower rate. Further, there is in some instances an effective, and in others a permissive, reduction from the general realty rate for buildings, while land continues to bear the full rate. In the case of personalty, intangible property may enjoy a substantially lower rate than tangibles. These gradations are, of course, effective as the result of extensive experimenting in municipal taxation, both in United States and Canada. Philadelphia, Baltimore, Pittsburgh, Duluth, and Calgary offer a field of study in this matter. The first two cities named continue to recognize different rates for what are termed urban, surburban and rural properties. New York City exempts certain residential construction for a term of years, while Pittsburgh taxes buildings at a percentage of the rate on land.

PERSONAL PROPERTY ASSESSMENTS

There is a wide variation in the proportion of personal property reported in the assessed valuation of cities.

This circumstance is accounted for in part by the classification for taxing purposes, lower rates tending to bring out the personal property, but it depends also in part upon the local methods of assessing. The New York cities report a personal assessment of less than one per cent, due to the substitution of the income tax for the property tax on this form of wealth. Some cities are enabled to report a considerable assessment of this class because the state has not extensively appropriated this source of taxation to itself.

It seems possible that the Ohio cities have run their personalty high in order to counteract the handicap of an unduly restrictive tax limit law. This brings to mind the conclusion of Lawson Purdy, former president of the New York Department of Taxes and Assessments: "The easiest, safest way to amend a constitution that limits the power of taxation is to take out all the limitations. Amend with a blue pencil."

TRUE VALUE IN ASSESSING

As a general proposition, we are hypocrites in the matter of assessing at "true cash value." The constitution of most states calls for this basis of assessment, and public officials are loathe to report any deviation in practice.

The wide range of estimates from the various cities, however, indicates that the application of the constitutional provision is seldom observed. Yet more or less serious attempts are being made to adhere to the standard, and no general average may be fairly applied to all cities. Cities subject only to local taxation can afford to apply the law more rigidly than those having a state and county tax. Growing cities hard pressed for additional taxing or bonding margins may enforce the law in this respect. It is difficult for large cities to keep abresat of current market values.

Affirmed honesty in applying true cash values, for example, places the New Jersey cities well above the average. Dallas, on the other hand, concedes an unusually low basis. Failure to reassess currently affects satisfactory compliance with the legal standard,—Dayton, for example, reports having had no general reappraisal since 1910. Here indeed is one index to the efficacy of the assessing procedure in any city.

THE RANGE IN FINAL RATES

The figures speak for themselves in respect to the range from high to low rates as adjusted for comparative purposes. The highest rate reported is for Pontiac, $46.92, while Birmingham is lowest with a rate of $11. The average rate for all cities is $25.

Assuming the accuracy of the high rates shown in the table, the question arises, What is the maximum tax rate on property? May we expect local governments to increase the annual exactions from the prevailing 2.5 per cent to as high as 4 per cent?

The story of good government to-

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923

COMPILED BY THE DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.

From Data Furnished by Members of the Governmental Research Conference, City Officials, and Chambers of Commerce

	Census Jan 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group I Population, 500,000 and over																	
1. New York, N. Y.[1]	5,620,048	$10,812,650,923	98	2	Jan. 1	{ May 1 { Nov. 1	$12.73	$5.90	$6.98	$0.82	$0.97	$27.40	100	$27.40	94	$25.76	4
2. Chicago, Ill.[2]	2,701,705	1,666,241,773	77	23	Jan. 1, '22	Jan. 2	37.90	27.70	....	7.30	4.50	77.40	50	38.70	75	29.02	1
3. Philadelphia, Pa.[3]	1,823,779	3,044,231,051	76	24	Jan. 1	Jan. 25	17.50	9.50	....	....	....	27.00	100	27.00	90	24.30	6
4. Detroit, Mich.[4]	993,678	2,109,989,410	76	24	July 1	July 15	16.92	5.55	....	2.27	2.88	27.62	100	27.62	80	22.10	9
5. Cleveland, Ohio[5]	796,841	1,569,306,730	63	37	Jan. 1	{ Dec. 15, '22 { June 15, '23	7.15	5.20	6.81	1.56	4.18	24.90	100	24.90	80	19.92	10
6. St. Louis, Mo.[6]	772,897	984,261,880	85	15	Apr. 1, '22	Oct. 1–Dec. 31, '22	12.70	8.80	2.20	....	1.30	25.00	100	25.00	90	22.50	8
7. Boston, Mass.[7]	748,060	1,677,861,744	90	10	Feb. 1, '22	Nov. 1, '22	12.33	8.04	....	1.49	2.84	24.70	100	24.70	100	24.70	5
8. Baltimore, Md.[8]	733,826	1,304,418,812	66	34	Jan. 1	Jan. 1	29.70	....	....	....	....	29.70	100	29.70	80	23.76	7
9. Pittsburgh, Pa.	588,343	928,864,800	100	..	Jan. 1	Jan. 1	16.00	11.50	....	4.75	....	32.25	100	32.25	85	27.41	2
10. Los Angeles, Calif.[9]	576,673	996,938,610	..	..	July 1	Oct. 1	16.50	16.30	....	6.80	....	39.60	100	39.60	50	19.80	11
11. Buffalo, N. Y.[10]	506,775	722,445,290	75	25	July 1	July 1	26.84	....	....	....	5.47	32.31	100	32.31	80	25.85	3
12. San Francisco, Calif.[11]	506,676	615,315,097	83	17	July 1, '22	{ Oct., '22 { Jan., '23	21.11	6.45	7.14	....	....	34.70	100	34.70	50	17.35	12
Group II Population, 300,000 to 500,000																	
13. Milwaukee, Wis.	457,147	677,070,755	77	23	Jan. 1	{ Dec. 1, '22– { Jan. 31, '23	10.66	8.11	3.85	4.77	1.79	29.18	100	29.18	85	24.80	4
14. Washington, D. C.[12]	437,571	928,521,808	50	50	July 1, '22	{ Nov., '22 { May, '23	18.20	....	....	....	....	18.20	67	12.19	100	12.19	7
15. Newark, N. J.	414,524	578,971,103	80	20	Jan. 1	{ Apr. 15 { Dec. 1	14.31	9.76	4.36	5.23	3.94	37.60	100	37.60	100	37.60	1
16. Cincinnati, Ohio[13]	401,247	739,997,200	70	30	Jan. 1	{ June { Dec.	5.36	6.21	5.48	1.52	4.17	22.74	100	22.74	100	22.74	6
17. Minneapolis, Minn.[14]	380,582	804,698,450	68	32	Jan. 1	Jan. 1	54.40	....	....	6.75	4.13	65.28	38	24.86	100	24.86	3
18. Kansas City, Mo.[15]	324,410	570,000,000	68	32	Apr. 16	June 1	10.57	11.50	....	4.30	1.00	27.37	100	27.37	85	23.26	5
19. Seattle, Wash.[16]	315,312	232,851,469	85	15	Jan. 1	{ May 31 { Nov. 30	27.87	14.16	....	12.69	13.41	68.13	50	34.07	96	32.70	2
Group III Population, 100,000 to 300,000																	
20. Rochester, N. Y.[17]	295,750	378,742,863	100	..	Jan. 1	May 1	12.33	12.47	3.64	3.79	1.40	33.63	100	33.63	80	26.91	14
21. Portland, Ore.[18]	258,288	295,925,345	83	17	Dec. 1, '22	{ Apr. 5 { Oct. 5	17.10	10.60	....	8.10	9.40	45.20	100	45.20	60	27.12	12
22. Denver, Colo.	256,491	377,025,300	65	35	Jan. 1	Jan. 1	8.85	11.79	....	2.51	4.48	27.63	100	27.63	80	22.10	27
23. Toledo, Ohio[19]	243,164	458,532,640	68	32	Jan. 1	{ Dec., '22 { June, '23	4.39	5.10	5.84	2.70	4.17	22.20	100	22.20	80	17.76	33

24. Providence, R. I.[20].....	237,595	$510,227,750	77	23	Oct. 1, '22	Oct. 1, '22	$15.16	$6.37	....	....	$1.47	$23.00	100	$23.00	100	$23.00	24
25. Columbus, Ohio[13]	237,031	381,075,370	65	35	Jan. 1	Dec. 20, '22 June 30, '23	9.50	7.60	....	$4.23	4.17	25.50	100	25.50	75	19.13	32
26. Louisville, Ky.	234,891	264,000,000	71	29	Sept. 1, '22	Jan. 15	14.00	6.00	....	4.00	4.50	28.50	100	28.50	100	28.50	7
27. St. Paul, Minn.........	234,698	475,351,367	61	39	Jan. 1.	Jan. 1	23.66	17.78	$7.16	8.77	4.13	61.50	38	23.37	100	23.37	23
28. Oakland, Calif.	216,261	194,151,400	82	18	July 1	Sept.	18.80	17.35	5.35	8.60	....	50.10	100	50.10	60	30.06	2
29. Akron, Ohio[13]	208,435	317,816,080	64	36	Jan. 1	Dec., '22 July, '23	10.00	7.45	....	3.18	4.17	24.80	100	24.80	65	16.12	36
30. Atlanta, Ga.[21]	200,616	293,000,000	71	29	Jan. 1	May–Oct.	8.40	6.60	....	10.00	5.00	30.00	100	30.00	70	21.00	29
31. Omaha, Nebr.[22]	191,601	327,212,218	67	33	Jan. 1	May 1	10.26	12.00	....	3.60	2.30	28.16	100	28.16	80	22.53	26
32. Worcester. Mass.	179,754	270,328,550	84	16	Dec. 1, '22	Oct., '23	15.52	7.99	....	1.24	2.05	26.80	100	26.80	85	22.78	25
33. Birmingham, Ala.[23]	178,806	144,151,226	78	22	Oct. 1, '22	Oct. 1, '22	10.00	5.00	....	11.50	6.50	33.00	60	19.80	55	11.00	40
34. Richmond, Va.[24]	171,667	299,353,263	60	40	Feb. 1	June Dec.	12.00	7.50	1.50	....	2.50	23.50	100	23.50	67	15.67	37
35. New Haven, Conn.[25]...	162,537	247,053,215	84	16	Jan. 1	Jan. 1	14.00	10.00	....	....	1.00	25.00	100	25.00	80	20.00	30
36. San Antonio. Tex......	161,379	240.023,786	74	26	June 1, '22	Apr., '23	12.00	6.00	4.00	6.20	7.50	35.70	100	35.70	75	26.78	15
37. Dallas, Tex.	158.976	195,193,800	65	35	May 1	June 15	15.01	9.29	....	7.50	9.40	41.20	100	41.20	36	14.83	38
38. Dayton, Ohio[26].......	152,559	231,373,170	59	41	Jan. 1	Dec., '22 June, '23	12.89	7.31	....	4.63	4.17	29.00	100	29.00	60	17.40	34
39. Bridgeport, Conn.	143,555	236,657,744	75	25	Apr. 1	Apr. 1 Sept. 1	17.52	9.96	....	.38	1.34	29.20	100	29.20	100	29.20	4
40. Houston, Tex.	138,276	200,000,000	82	18	Jan. 1	Jan. 1	11.75	7.80	6.50	8.30	9.40	43.75	100	43.75	60	26.25	17
41. Hartford, Conn.	138,036	401,874,400	63	37	Apr. 1	July 1	16.00	5.00	....	2.60	8.00	31.60	100	31.60	80	25.28	20
42. Scranton, Pa.	137,783	107,772,215	100	..	Jan. 1	Jan. 1	15.90	16.00	....	6.25	....	38.15	100	38.15	80	30.52	1
43. Grand Rapids, Mich. ..	137,634	210,556,986	69	31	July 1	July 1	10.19	11.36	....	3.14	3.25	27.94	100	27.94	100	27.94	10
44. Paterson, N. J.	135,875	159,714,129	..	..	June 1	June	23.14	2.49	....	4.02	.25	29.90	100	29.90	100	29.90	3
45. Youngstown, Ohio	132,358	322,563,750	78	22	Jan. 1	Dec., '22 June, '23	5.40	4.63	....	3.40	4.17	17.60	100	17.60	80	14.08	39
46. Springfield. Mass......	129,614	244,464,577	86	14	Dec. 1, '21	Oct. 15, '22	16.83	8.67	....	.84	1.86	28.20	100	28.20	100	28.20	8
47. Des Moines, Iowa	126,468	214,948,200	76	24	Apr. 1	May 1	13.65	15.97	....	6.50	2.75	38.87	100	38.87	75	29.15	5
48. New Bedford, Mass. ...	121,217	200,964,491	58	42	Dec. 1, '21	Oct. 15, '22	11.57	5.10	7.99	1.01	2.53	28.20	100	28.20	100	28.20	9
49. Fall River, Mass.	120.485	187,880,700	58	42	Jan. 1	Jan.-Nov.	22.92	....	....	.98	2.10	26.00	100	26.00	100	26.00	18
50. Trenton, N. J.	119,289	137,263,001	82	18	Jan. 1	Jan. 1	16.00	9.78	....	4.97	1.45	32.20	100	32.20	80	25.76	19
51. Salt Lake City, Utah ..	118,110	188,536,892	72	28	Jan. 1, '22	Sept. 18, '22	11.40	13.80	....	4.40	2.40	31.20	100	31.20	80	24.96	2
52. Camden, N. J.	116,309	141,653,495	88	12	Jan. 1	June 1 Dec. 1	11.50	8.31	....	3.93	3.72	27.50	100	27.50	100	27.50	11
53. Norfolk, Va.	115,777	161,261,957	76	24	Jan. 1, '22	Nov. 15, '22	22.50	....	....	....	2.50	25.00	100	25.00	67	16.67	35
54. Albany, N. Y.	113,344	119,242,410	99	1	Jan. 1	Jan. 1	24.30	....	....	....	7.20	31.50	100	31.50	77	24.26	22
55. Wilmington. Del.	110,168	118,980,425	100	..	July 1	July 1	16.00	3.00	....	7.50	2.50	29.00	100	29.00	100	29.00	6
56. Reading, Pa.	107,784	101,223,353	100	..	Jan. 1	Mar. 1	10.50	10.00	....	4.00	....	24.50	100	24.50	90	22 05	28
57. Fort Worth, Tex.......	106,482	131,603,000	..	..	July 1, '22	Oct. 1, '22	22.00	....	....	9.50	7.50	39.00	100	39.00	50	19.50	31
58. Spokane, Wash.	104,437	82,518,812	87	13	Jan. 1	Feb. 5	18.00	15.00	....	12.29	14.71	60.00	50	30.00	90	27.00	13
59. Yonkers, N. Y.	100,176	198,415,365	98	2	Jan. 1	Mar. 27	8.98	10.66	5.60	3.76	1.40	30.40	100	30.40	87	26.45	16
Group IV Population, 50,000 to 100,000																	
60. Duluth, Minn.	98,917	76,140,590	72	28	Jan. 1	Jan. 1	21.28	22.17	....	10.32	4.13	57.90	38	22.00	80	17.60	4
61. Utica, N. Y.	94,156	108,684,755	100	..	Jan. 1	Aug. 1	8.86	13.43	....	10.87	....	33.16	100	33.16	85	28.19	31
62. Erie, Pa.	93,372	115,454,613	..	..	Jan. 1	Jan. 1	12.20	14.00	....	7.00	....	33.20	100	33.20	80	26.56	26
63. Somerville, Mass.	93,091	88.158,139	91	9	Jan. 1, '22	Oct. 15, '22	18.54	7.11	....	1.07	3.88	30.60	100	30.60	100	30.60	35
64. Flint, Mich...........	91,599	140,843,900	77	23	Mar. 1	July Dec.	13.05	11.45	....	6.08	3.26	33.84	100	33.84	80	27.07	28
65. Jacksonville, Fla.	91,588	72.960,880	85	15	Jan. 1, '22	Nov. 1. '22	20.90	6.00	....	25.25	10.63	62.78	100	62.78	50	31.39	36
66. Oklahoma City, Okla. .	91,295	112,000,000	80	20	July 1, '22	Jan. 1, '23	9.90	15.30	5.00	8.70	.50	39.40	100	39.40	80	31.52	37

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group IV (continued) Population 50,000 to 100,000																	
67. Schenectady, N. Y.	88,723	$77,618,258	95	5	Jan. 1	July 1	$24.36	$18.80	....	$7.92	....	$51.08	100	$51.08	67	$34.05	43
68. Canton, Ohio	87,091	145,573,900	67	33	Jan. 1	June Dec.	4.05	8.80	$5.47	3.30	$4.18	25.80	100	25.80	60	15.48	3
69. Evansville, Ind.	85,264	120,105,930	80	20	Jan. 1	May 1 Nov. 1	9.70	9.00	....	5.00	2.70	26.40	100	26.40	100	26.40	25
70. Savannah, Ga.	83,252	76,079,720	69	31	Jan. 1	Apr. 1	16.67	5.00	....	12.50	5.00	39.17	100	39.17	60	23.50	18
71. Manchester, N. H.	78,384	114,597 852	81	19	Apr. 1	Sept. 1	12.14	4.72	2.54	1.86	2.24	23.50	100	23.50	100	23.50	19
72. St. Joseph, Mo.	77,939	78,706,910	69	31	Apr. 16	May 5	10.00	11.75	2.00	8.75	1.00	33.50	100	33.50	60	20.10	10
73. Peoria, Ill.	76,121	77,001,470	73.5	26.5	Jan. 1	Jan. 1	25.90	27.00	....	8.40	4.50	65.80	50	32.90	100	32.90	41
74. Harrisburg, Pa.	75,917	67,492,540	100	..	Jan. 1	May 1	13.00	17.00	....	6.00	....	36.00	100	36.00	67	24.00	21
75. San Diego, Calif.	74,683	108,246.590	94.5	5.5	Jan. 1	June 1	20.00	16.80	....	27.10	....	63.90	100	63.90	50	31.95	39
76. Wichita, Kans.	72,217	107,890,597	70	30	Jan. 1, '22	Nov. 1, '22	9.20	15.00	....	3.34	1.66	29.20	100	29.20	90	26.28	24
77. Sioux City, Iowa	71,227	23,806,352	76	24	Apr. 1, '23	Jan. 1, '23	48.00	66.60	....	21.90	11.50	148.00	25	37.00	65	24.05	22
78. South Bend, Ind.	70,983	150,384,230	58	42	Jan. 1	May Nov.	7.83	10.70	....	4.67	2.70	25.90	100	25.90	70	18.13	5
79. Portland, Me.	69,272	104,244,675	69	31	Jan. 1	Aug. 1	15.86	7.63	2.53	1.37	6.61	34.00	100	34.00	65	22.10	10
80. Hoboken, N. J.	68,166	88 257,300	87	13	Jan. 1	June 1	31.14	....	.56	6.32	3.76	41.78	100	41.78	90	37.60	46
81. Binghamton, N. Y.	66,800	66,722,419	99	1	Jan. 1	Jan. 1 July 1	29.30	....	....	8.50	....	37.80	100	37.80	78	29.48	31
82. Brockton, Mass.	66,254	65,426,600	84	16	Dec. 1	Oct. 15	25.93	8.70	....	1.36	1.81	37.80	100	37.80	80	30.24	34
83. Terre Haute, Ind.	66,083	86,407,120	75	25	Jan. 1	May 1 Nov. 1	11.15	14.60	6.00	7.37	3.00	42.12	100	42.12	90	37.90	47
84. Sacramento, Calif.	65,908	81,742,720	85	15	Jan. 1, '22	Oct. 15, '22	12.43	24.08	5.37	7.52	....	49.40	100	49.40	72	35.57	45
85. Rockford, Ill.	65,651	43,377,704	65	35	Jan. 1, '22	Jan. 1, '23	18.30	24.60	1.30	17.20	4.50	65.90	50	32.95	87	28.67	30
86. Passaic, N. J.	63,841	79,024,808	75	25	Jan. 1	June 1 Dec. 1	25.29	2.50	....	3.68	.43	31.90	100	31.90	100	31.90	38
87. Saginaw, Mich.	61,903	86,462,417	77	23	July 1	July 1	12.39	11.94	....	6.77	2.98	34.08	100	34.08	100	34.08	44
88. Springfield, Ohio	60,840	91,252,050	65	35	Jan. 1	June Dec.	3.70	5.00	3.55	3.25	2.95	18.60	100	18.60	100	18.60	6
89. Holyoke, Mass.	60,203	95,176,520	77	23	Dec. 1, '22	Oct. 15, '22	11.00	7.90	2.66	.91	2.03	24.50	100	24.50	100	24.50	23
90. New Britain, Conn.[27]	59,316	93,378,649	79	21	Apr. 1	July 1	11.38	10.98	....	1.14	....	23.50	100	23.50	84	19.74	8
91. Springfield, Ill.	59,183	74,562,877	61	39	Mar. 1, '22	Jan. 1, '23	23.50	20.00	11.70	5.80	5.60	66.60	50	33.30	67	22.20	14
92. Racine, Wis.	58,593	79,698,249	78	22	Jan. 1, '22	Jan. 1, '23	13.00	9.29	....	6.43	....	28.72	100	28.72	78	22.40	16
93. Lansing, Mich.	57,327	130,295,418	72	28	May 1	July 15	8.47	8.95	....	2.29	2.63	22.34	100	22.34	100	22.34	15
94. Davenport, Iowa	56,727	34,496,695	82	18	Apr. 1, '22	Sept. 1, '22	27.00	32.45	....	11.42	5.63	76.50	50	38.25	70	26.78	27
95. Wheeling, W. Va.	56,208	110,422,242	73	27	Nov. 1, '22	Nov. 1, '22	7.34	7.30	....	5.00	1.40	21.04	100	21.04	100	21.04	12
96. Berkeley, Calif.	56,036	163,075,721	75	25	July 1, '22	Oct. 15, '22	11.40	26.43	....	8.97	....	46.80	100	46.80	70	32.76	40
97. Long Beach, Calif.	55,593	105,076,735	70	30	Mar. 1, '22	Oct. 15, '22	11.70	18.80	1.90	8.30	....	40.70	100	40.70	70	28.49	29
98. Lincoln, Nebr.	54,948	93,468.600	69	31	Sept. 1, '22	Oct. 1, '22	7.75	13.26	....	1.64	2.30	24.95	100	24.95	80	19.96	9
99. Augusta, Ga.	52,548	46,000,000	75	25	Jan. 1, '22	Oct. 1, '22	19.00	11.00	....	6.40	5.00	41.40	100	41.40	50	20.70	11
100. Tampa, Fla.	51,608	38,128,944	76	24	June 1, '22	Oct. 1, '23	25.50	13.00	....	27.00	10.63	66.13	100	66.13	50	33.06	42
101. Roanoke, Va.	50,842	56,336,527	69	31	Jan. 1, '22	Nov. 1, '22	15.75	6.75	....	....	2.50	25.00	100	25.00	50	12.50	1

102. Niagara Falls, N. Y.	50,760	$104,909,000	100	..	Jan. 1	Oct. 1, '22	$10.54	$7.64	....	$4.58	$1.38	$24.14	100	$24.14	93	$22.45	17
103. East Orange, N. J.	50,710	84,322,536	87	13	Jan. 1	Jan. 1	13.13	8.31	....	7.76	1.00	30.20	100	30.20	65	19.63	7
104. Atlantic City, N. J.	50,707	173,857,454	94	6	Jan. 1	June Dec.	15.79	5.94	....	4.45	3.42	29.60	100	29.60	100	29.60	33
105. Huntington, W. Va.	50,177	113,675,000	80	20	July 1, '22	Nov. 1, '22	4.70	10.70	....	3.00	1.50	19.90	100	19.90	75	14.93	2
106. Topeka, Kans.	50,022	75,745,319	72	28	Jan. 1	Dec., '22 June, '23	10.81	12.55	....	5.86	2.15	31.40	100	31.40	75	23.55	20
Group V Population, 30,000 to 50,000																	
107. Malden, Mass.	49,103	47,083,658	85	15	Jan. 1, '22	Oct. 15, '22	14.41	10.09	$3.21	1.40	3.59	32.70	100	32.70	90	29.43	43
108. Kalamazoo, Mich.	48,487	67,446,575	68	32	Jan. 1	July 1	12.00	13.05	....	3.95	3.69	32.69	100	32.69	80	26.15	38
109. Jackson, Mich.	48,374	78,313,470	78	22	Jan. 1	July 1	7.69	7.78	.87	4.12	3.04	23.50	100	23.50	100	23.50	28
110. Bay City, Mich.	47,554	47,251,674	78	22	July 1	Aug. 1	15.24	16.90	....	5.46	2.68	40.28	100	40.28	100	40.28	58
111. York, Pa.	47,512	37,201,787	95	5	Jan. 1	Mar. 1	9.50	14.00	....	7.00	....	30.50	100	30.50	67	20.33	20
112. McKeesport, Pa.	46,781	39,179,650	100	..	Jan. 1	Mar. 1	10.00	15.00	....	6.00	....	31.00	100	31.00	65	20.15	18
113. Highland Park, Mich.	46,499	165,316,900	50	50	July 1	July 1	8.60	7.90	....	2.05	2.88	21.43	100	21.43	80	17.14	7
114. Cedar Rapids, Iowa	45,566	54,649,799	86	14	Apr. 1, '22	Jan. 1, '23	11.50	22.80	....	4.46	2.92	41.68	100	41.68	60	25.01	34
115. Pasadena, Calif.	45,354	92,824,527	78	22	July 1, '22	Oct. 10, '22	12.80	2.13	....	.83	....	15.76	100	15.76	75	11.82	1
116. Fresno, Calif.	45,086	41,177,570	84	16	July 1, '22	Dec., '22 Apr., '23	21.80	19.20	....	24.00	....	65.00	100	65.00	60	39.00	57
117. New Castle, Pa.	44,938	33,011,600	72	28	Jan. 1	June 1	12.00	20.00	....	6.00	....	38.00	100	38.00	50	19.00	10
118. Shreveport, Pa.	43,874	85,048,330	90	10	Jan. 1, '22	Dec. 1, '22	7.50	4.50	....	6.50	5.25	23.75	100	23.75	60	14.25	3
119. Decatur, Ill.	43,818	16,967,680	75	25	May 1, '22	Jan. 1, '23	36.50	35.90	....	13.10	4.50	90.00	50	45.00	67	30.00	46
120. Chelsea, Mass.	43,184	43,822,300	85	15	Jan. 1, '22	Oct. 15, '22	20.18	11.63	....	....	2.39	34.20	100	34.20	100	34.20	55
121. Mount Vernon, N. Y.	42,726	81,540,568	100	..	Jan. 1	Jan. 1	9.66	9.62	....	3.38	1.34	24.00	100	24.00	80	19.20	12
122. Salem, Mass.	42,529	47,840,850	80	20	Jan. 1, '22	Nov. 1, '22	13.07	8.90	7.45	1.71	2.87	34.00	100	34.00	100	34.00	54
123. Pittsfield, Mass.	41,763	47,991,875	79	21	Jan. 1, '22	Oct. 15, '22	12.85	7.78	6.07	1.56	2.14	30.40	100	30.40	80	24.32	30
124. Lakewood, Ohio	41,732	77,165,600	80	20	Jan. 1	Dec., '22 June, '23	5.33	12.43	4.18	2.68	3.68	28.30	100	28.30	80	22.64	26
125. Lima, Ohio	41,326	50,125,020	63.5	36.5	Jan. 1	Dec., '22 June, '23	2.36	7.35	6.33	5.59	4.17	25.80	100	25.80	55	16.39	6
126. Fitchburg, Mass.	41,029	54,265,525	72	28	Dec. 1, '22	Sept. 15, '23	13.72	6.72	4.90	2.66	....	28.00	100	28.00	75	21.00	21
127. Kenosha, Wis.	40,472	56,443,550	65	35	Jan. 1	Jan. 1	14.66	11.47	....	3.41	1.46	31.00	100	31.00	65	20.15	17
128. Stockton, Calif.	40,296	58,600,000	60	40	Jan. 1	Feb. 15	15.50	18.80	....	12.70	....	47.00	100	47.00	70	32.90	53
129. Everett, Mass.	40,120	45,134,400	82	18	Jan. 1, '22	Oct. 1, '22	25.99	....	....	1.06	4.75	31.80	100	31.80	80	25.44	35
130. West Hoboken, N. J.	40,074	29,432,172	94	6	Jan. 1	June 1 Dec. 1	26.88	....	....	6.89	4.16	37.93	100	37.93	100	37.93	56
131. Springfield, Mo.	39,631	37,458,302	69	31	July 1, '22	Sept. 1, '22	8.96	8.50	2.34	5.20	1.30	26.30	100	26.30	70	18.41	8
132. Dubuque, Iowa[28]	39,141	39,132,000	82	18	Apr. 1	Feb.	14.44	13.75	....	7.48	2.52	38.19	100	38.19	80	30.55	47
133. Medford, Mass.	39,038	43,673,750	93	7	Jan. 1, '22	Oct. 15, '22	18.00	11.93	....	1.26	3.81	35.00	100	35.00	90	31.50	50
134. Jamestown, N. Y.	38,917	31,085,906	100	..	Mar. 1	July	17.27	19.88	....	9.54	....	46.69	100	46.69	60	28.01	42
135. Waco, Tex.	38,500	50,074,720	70	30	Oct. 1, '22	Oct. 1, '22	11.37	6.50	5.33	4.00	7.50	34.70	75	26.03	100	26.03	37
136. Joliet, Ill.	38,442	12,985,378	70	30	Jan. 1	Jan. 7	22.70	54.20	....	15.90	4.50	97.30	50	48.65	50	24.33	31
137. Madison, Wis.	38,378	85,093,923	74	26	Jan. 1, '22	Jan. 1, '22	7.50	12.60	1.70	2.90	1.30	26.00	100	26.00	94.5	24.57	32
138. Brookline, Mass.[29]	37,748	112,727,300	86	14	Jan. 1, '22	Oct. 15, '22	10.20	....	....	4.90	6.60	21.70	100	21.70	100	21.70	23
139. Columbia, S. C.	37,524	29,200,000	80	20	Jan. 1, '22	Oct. 15, '22	26.00	18.50	....	13.00	7.50	65.00	42	27.30	59	16.25	5
140. Lorain, Ohio	37,295	58,777,910	62	38	Jan. 1	Dec. 20, '22 June 20, '23	5.81	8.20	4.60	3.62	4.17	26.40	100	26.40	70	18.48	9
141. Muskegon, Mich.	36,570	52,646,978	78	22	Jan. 1	Dec. 1, '22	10.11	11.26	3.83	6.38	2.78	34.36	100	34.36	95	32.64	52
142. Chicopee, Mass.	36,214	44,971,820	75	25	Dec. 1, '21	Oct. 15, '22	14.08	9.09	....	1.08	2.25	26.50	100	26.50	80	21.20	22
143. New Rochelle, N. Y.	36,213	86,787,150	100	..	Jan. 1	Apr. 22, '23	13.08	8.96	3.17	2.97	1.32	29.50	100	29.50	100	29.50	44
144. Battle Creek, Mich.	36,164	52,708,410	75	25	Mar. 1	Aug. 20, '23 Jan. 10, '24	10.00	13.28	....	3.78	3.73	30.79	100	30.79	100	30.79	48

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group V (continued) Population 30,000 to 50,000																	
145. Quincy, Ill.	35,978	$18,325,927	68	32	May 1	May 1	$22.65	$27.30	....	$5.00	$4.50	$59.45	50	$29.73	100	$29.73	45
146. East Chicago, Ind.	35,967	71,892,745	64	36	Jan. 1	May 1	7.80	8.00	....	4.50	2.70	23.00	100	23.00	100	23.00	27
147. Newport News, Va.	35,596	41,054,525	71	29	July 1, '22	Nov. 1, '22	9.70	7.80	....	....	2.50	20.00	100	20.00	60	12.00	2
148. Rock Island, Ill.	35,177	12,417,875	79	21	Apr. 1	Feb. 1	25.80	36.60	....	13.50	4.50	80.40	50	40.20	50	20.10	16
149. Poughkeepsie, N. Y.	35,000	34,277,960	100	..	Jan. 1	Jan. 15	26.45	....	....	6.01	....	32.46	100	32.46	80	25.97	36
150. Pontiac, Mich.	34,273	44,117,086	74	26	Jan. 1	July Dec.	18.85	15.36	....	8.53	4.18	46.92	100	46.92	100	46.92	59
151. Easton, Pa.	33,813	34,160,410	60	40	Jan. 1	July 1 Oct. 1	13.00	14.00	....	5.00	....	32.00	100	32.00	60	19.20	13
152. Amsterdam, N. Y.	33,524	23,617,167	100	..	Jan. 1	Aug. 1	33.82	....	....	12.80	....	46.62	100	46.62	60	27.97	41
153. Orange, N. J.	33,268	32,364,916	85	15	Jan. 1	June Dec.	11.46	12.20	$3.92	5.23	3.99	36.80	100	36.80	85	31.28	49
154. Ogden, Utah	32,804	38,836,102	67	33	July 1	July 1	10.00	15.30	....	4.60	3.44	33.34	100	33.34	75	25.00	33
155. New Brunswick, N. J.	32,779	29,809,990	86	14	Jan. 1	June 1 Dec. 1	20.60	12.30	....	8.40	4.10	45.40	100	45.40	60	27.24	40
156. Norristown, Pa.	32,319	22,060,315	92	8	Jan. 1	July 1	10.00	14.00	2.50	2.00	....	28.50	100	28.50	67	19.00	11
157. Lewiston, Me.	31,791	30,800,262	82	18	Mar. 1	Aug. 21	16.34	3.13	.66	2.61	7.26	30.00	100	30.00	65	19.50	15
158. Watertown, N. Y.	31,285	41,677,580	98	2	Jan. 1	Jan. 15 May 15	8.52	6.74	3.60	6.09	1.05	26.00	100	26.00	92	23.92	29
159. Columbus, Ga.	31,125	37,323,300	70	30	Jan. 1	Aug. 1	10.00	6.00	2.00	9.00	5.00	32.00	100	32.00	60	19.20	14
160. Green Bay, Wis.	31,017	42,410,025	76	24	Jan. 1	Dec. 15, '22	6.28	9.65	3.46	6.87	1.24	27.50	100	27.50	80	22.00	25
161. Moline, Ill.	30,734	11,532,749	68	32	Apr. 1, '22	Feb. 1, '23	29.10	33.80	....	13.30	4.50	80.70	50	40.35	50	20.18	19
162. Newburgh, N. Y.	30,366	28,505,744	100	..	Jan. 1	Mar. 1 Oct. 1	20.00	....	....	7.49	....	27.49	100	27.49	80	21.99	24
163. Muskogee, Okla.	30,277	28,620,676	75	25	July 1	June 1 Dec. 1	16.12	17.61	....	10.35	.50	44.58	60	26.75	100	26.75	39
164. Colorado Springs, Colo.	30,105	39,329,000	55	45	Jan. 1	Jan. 1	14.50	15.88	....	6.30	4.48	41.16	100	41.16	78	32.10	51
165. Lynchburg, Va.[24]	30,070	48,085,355	54	46	Feb. 1	Sept. 1	20.00	....	....	....	2.50	22.50	100	22.50	70	15.75	4
Canadian Cities																	
1. Montreal, Quebec[30]	618,506	709,324,469	100	..	May 1	Oct. 1	13.50	10.00	....	....	....	23.50	100	23.50	100	23.50	10
2. Toronto, Ontario[31]	521,893	790,058,870	100	..	Jan. 1	May–July–Sept.	13.84	9.04	7.92	....	....	30.80	100	30.80	75	23.10	11
3. Winnipeg, Manitoba[32]	179,087	241,490,990	100	..	Jan. 11	June 15	12.00	12.15	2.70	....	2.65	29.50	100	29.50	83	24.48	8
4. Vancouver, B. C.[33]	117,217	206,994,915	100	..	Jan. 1	Aug. 3	14.74	7.86	9.07	....	....	31.67	100	31.67	100	31.67	4
5. Hamilton, Ontario	114,151	140,293,470	100	..	Jan. 1, '22	July 15, '23 Sept. 15, '23	10.16	11.96	8.46	.42	1.00	32.00	100	32.00	100	32.00	3
6. Ottawa, Ontario[34]	107,843	137,059,227	82	18	Jan. 1	June 15, '23 Nov. 15, '23	12.55	10.60	4.85	....	....	28.00	100	28.00	75	21.00	12
7. Calgary, Alberta[35]	63,305	59,656,292	100	..	Jan. 1	May 20	30.05	19.77	....	....	2.09	51.91	68	35.19	100	35.19	1
8. London, Ontario	60,959	68,209,120	100	..	Jan. 1	June–Aug.–Oct.	8.35	14.27	11.72	.36	....	34.70	100	34.70	70	24.29	9
9. Edmonton, Alberta[36]	58,821	61,527,040	100	..	Jan. 1	May 1	20.75	19.25	....	....	....	40.00	100	40.00	80	32.00	2
10. Halifax, Nova Scotia	58,372	59,639,735	100	..	May 1	July 31	21.70	9.95	.85	....	....	32.50	100	32.50	80	26.00	7
11. St. John, N. B.	47,166	52,974,550	88	12	Jan. 1	Aug. 1	13.90	8.90	....	8.00	....	30.80	100	30.80	100	30.80	5
12. Victoria, B. C.[37]	38,727	63,708,642	100	..	Jan. 1	July 1	14.89	9.87	14.96	....	....	39.72	100	39.72	70	27.80	6

[1] *New York City.* Each borough has two tax rates,—one for realty and one for personalty,—consolidated by purposes. The rate here shown is that for realty in Manhattan borough, and the distribution is a computation based upon the gross appropriations by subdivisions. The personalty rates ($27.30) and the realty rates for the other four boroughs are the same as for Manhattan except the realty rate for Richmond borough, $27.60.

[2] *Chicago.* The city rate includes sanitary district, forest preserve district of Cook county, and park district. The rate shown is for South Park District (central business district and south side of city). The rate in other park districts is slightly higher. A quadrennial revaluation is in progress this year. Realty valuation includes 4.4 per cent railroad stock and 2.7 per cent capital stock.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city; the city rate also includes city debt service. The rates given are on city realty, comprising 94 per cent of all realty; suburban realty (5 per cent of all realty) is taxed at two-thirds, and farm realty (1 per cent of all realty) at one-half, of the city realty,—except that property in poor districts (having local poor taxes) is further relieved of such poor taxes. There is a 4 mill tax on money at interest and vehicles to hire, comprising the personalty valuation. In all, there are nine distinct tax rates. Discount is allowed on taxes paid before June, and a penalty charged after December. There is no state tax on realty in Pennsylvania.

[4] *Detroit.* The city rate includes debt for city and schools.

[5] *Cleveland.* The city rate includes library rate of 75 cents. The state rate includes $2.65 for schools, collected by the county and redistributed to the school districts therein.

[6] *St. Louis.* The city rate includes the cost of county government, which is consolidated with the city. Realty valuation includes railroads and bridges, 7 per cent.

[7] *Boston.* The city rate includes debt levy.

[8] *Baltimore.* The city rate includes the country, which is consolidated with the city; also includes school rate. There are several rates applied to eleven bases of assessed valuation. The rate shown is applied against realty and tangible personalty in the "old city," comprising 50 per cent of the valuation; rates on other classes of property in the old city and new addition are lower.

[9] *Los Angeles.* The city rate includes flood control rate of 70 cents. Legal basis of assessment is 100 per cent, but for purpose of taxation 50 per cent of assessed valuation is used. There are fourteen distinct tax districts. There is no state tax on real estate in California.

[10] *Buffalo.* The city rate includes school and debt; the state rate includes county (division not furnished).

[11] *San Francisco.* The city rate includes the county, which is consolidated with the city. (See note 9.)

[12] *Washington.* Appropriations for the District of Columbia are made by Congress, 60 per cent of the total being raised by taxation, and 40 per cent paid by the Federal Treasury. (See October 1923 NATIONAL MUNICIPAL REVIEW for full description.) The rate shown is for real and tangible personal property, comprising 64 per cent of the assessed valuation; the rate on tangible personalty is $\frac{3}{10}$ of 1 per cent. Details of the total rate were not furnished.

[13] *Cincinnati, Columbus, Akron.* The state rate includes $2.65 school levy, retained by the county and redistributed to school districts therein.

[14] *Minneapolis.* Real estate is assessed at 40 per cent of full and true value; personalty, at 25 per cent to 40 per cent; and money and credits at 100 per cent. The tax rate on money and credits is 3 mills on the dollar.

[15] *Kansas City, Missouri.* The valuation shown is for school, county and state purposes. The valuation for city tax is $457,000,000, with a rate of $12.50, which rate is adjusted for the valuation shown. The city rate includes also 55 cents for parks, adjusted for the valuation shown, from an actual rate of $2.50 on land only exclusive of improvements, valued at $125,000,000.

[16] *Seattle.* The city rate includes $1 for port.

[17] *Rochester.* The school rate includes debt for schools. The valuation includes personalty of less than 1 per cent, which is omitted from this table; all New York cities are so tabulated.

[18] *Portland.* The city rate includes $2 port rate and $2 dock rate; the county rate includes library rate. Realty valuation includes 10 per cent public service companies.

[19] *Toledo.* The city rate includes 40 cents for municipal university. The school rate includes 40 cents for library. The state rate includes $2.65 school levy, collected by the county and redistributed to school districts therein.

[20] *Providence.* There is no county government in Rhode Island, therefore, no county rate. The city rate includes debt service.

[21] *Atlanta.* The school rate is estimated,—the city remits schools 26 per cent of total revenues.

[22] *Omaha.* The city rate includes debt service and fire hydrant rental.

[23] *Birmingham.* The county rate includes $3 school levy, distributed to the school districts therein.

[24] *Richmond, Lynchburg.* The rate given is on realty; tangible personalty (5 per cent of the total valuation) is taxed at $22, and intangible personalty at from $2 to $8.50. There is no county rate for cities in Virginia, as they are autonomous.

[25] *New Haven.* State and county taxes levied during session of legislative assembly, every two years; a tax of $2.50 was levied in 1922, about two-thirds payable in 1922, and the balance ($1) in 1923.

[26] *Dayton.* Both city and county rates include debt and flood prevention charges. (Also see note 13.)

[27] *New Britain.* The city rate includes $3.10 sprinkling tax paid by the central district of the city.

[28] *Dubuque.* Valuation and rates do not include money and credits, $10,000,000, taxed at 5 mills, prorated to subdivisions according to levy.

[29] *Brookline.* The city (town) rate includes school rate, also metropolitan sewer and park taxes.

[30] *Montreal.* The school rate shown is the Protestant rate; the Catholic rate is $7; the Neutral (comprising business corporations) rate is $12. There is no county tax in Canadian cities. Montreal has no direct provincial (state) tax.

[31] *Toronto.* Realty valuation includes 8.7 per cent income and 10.9 per cent business. Toronto has no direct provincial tax.

[32] *Winnipeg.* Realty includes 6 per cent business tax and 11 per cent miscellaneous revenue.

[33] *Vancouver.* Improvements (39 per cent of valuation) can be exempted from taxation by Council, and in 1922 and 1923 a 50 per cent exemption was allowed,—therefore, improvements were taxed at 50 per cent of rate shown. Tax rate is subject to 10 per cent discount, which is charged against the city revenues, the school and debt levy being net.

[34] *Ottawa.* The city has both Protestant and Separate (Roman Catholic) schools, both paying the High School rate of $7.70; the Separate School rate is $1.30 higher than the Public School rate, or $12, making a total rate for Separate schools of $32.30.

[35] *Calgary.* Land is assessed at 100 per cent, buildings at 50 per cent. Of the total valuation, $312,516 is assessed at only $20. The total valuation does not include the business tax assessment of $3,256,552.

[36] *Edmonton.* Land is assessed at 100 per cent, buildings at 60 per cent, of real value (valuations not stated).

[37] *Victoria.* Land is assessed at 100 per cent, improvements at 33 per cent of real value.

day is not written in low tax rates. Citizens are coming to recognize that the keystone of good government is the budget, and the tax rate is but one means to that end. Public interest is being directed to the program of services and their cost, and the resulting tax rate is secondary. This is one of the most encouraging signs of progress in our cities to-day.

This brings to mind the circular recently issued by a commercial organization in a large city, which announced:

> To the individual or firm seeking an industrial site or location, the tax rate is an important consideration.
>
> A study of the following tax rates (about twenty cities) will reveal ———'s prior claim as highly advantageous district for a manufacturing establishment.
>
> Here . . . the taxpayer's money is made to yield the fullest measure of public service.

The premise is sound. But will any individual or industry agree with the conclusion? It is fatuous until all the facts are known. What public services are being performed by a city, and what is their efficiency in dollars spent and units of work done,—as measured in pure water, low death rates, clean and safe streets, well-trained and paid teachers, provision for recreation in play areas and centers? These and many more things are the elements upon which the modern city is judged as to its adaptability for home or factory.

No final conclusions may safely be drawn with respect to the effectiveness of the municipal governments in any of the cities by casual examination of these figures. The mere citation of the influences affecting the tax rates should dispel any false notions of their value as an index to public economy. There are too many other sources of revenue by governments. One gage of costs is the reports being issued currently by the department of commerce, entitled "Financial Statistics of the City (or State) Government of ———." These sheets give the total cost, revenues, debt and assessed valuation, and the per capita figures also are reported.

It might be suggested that such essential factors as the tendency of cities to pay for public works by special assessments, to the relief of the tax rate but not the citizens at large, cannot be reflected in the table. Similarly, the adoption of the pay-as-you-go policy, followed to some extent by many cities, with the immediate effect of increasing the tax rate but the ultimate effect of economy to the taxpayer, is not apparent from the figures.

Questionnaires were submitted to all cities over 30,000—247 cities in United States and 13 in Canada. From the 260 cities, data adequate to tabulate were received from 177. It is regretted that it was necessary to omit the remaining 83 cities because no replies were had or the information was incomplete. Should demand warrant a compilation of the data in 1924, it is to be hoped that replies will be forthcoming from all the cities, and possible errors due to misinterpretation this year be remedied.

RECENT BOOKS REVIEWED

Public Utility Rates for 542 Kansas Cities. By The League of Kansas Municipalities, Lawrence, Kansas, 1923.

The League of Kansas Municipalities has recently issued under the caption of "Public Utility Rates for 542 Kansas Cities" what is probably the most comprehensive compilation of rates chargeable for water supply, electric light and power, gas and telephone service for any single state. This compilation includes in addition to the tabulation of rates charged for the various services, considerable data with respect to local conditions of operation. Thus, for water supply the source of the supply is given, method of treatment employed together with the capacity of the plant and whether or not the latter is a paying proposition. Similar information is given for the electric light and power plants.

A brief comment is also made on certain of the more outstanding defects in administration such as would be disclosed in a study of this kind and suggestions for desirable changes in administrative policy are made. It is proposed to issue each year a supplement to this publication thereby bringing the information up to date. The data submitted are presented in a concise and readily understandable form that should make the book of value to local plant operators in Kansas cities as well as of interest to the general public. There is a distinct place for the sort of educational service furnished by publications of this kind.

William A. Bassett.

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City Charter Making in Minnesota. The Law of Special Legislation and Municipal Home Rule in Minnesota. By William Anderson, Associate Professor of Political Science, University of Minnesota. Published by the University, April, 1922, and May, 1923.

These brochures are publications No. 1 and No. 2 of the University of Minnesota Bureau for Research in Government, of which Professor Anderson is the director. It is to be hoped that these initial publications will be followed by many more.

The brochure on special legislation and home rule is a reprint from the *Minnesota Law Review*, and its flavor is distinctly legal. The reader at all familiar with the phenomenon of special legislation in our states, and the efforts to avert its evils by constitutional prohibitions, is struck at once by the parallel of Minnesota's experiences with those in a number of jurisdictions. So far as the main outlines of Dr. Anderson's study are concerned, the history might apply with equal accuracy to Pennsylvania, for example.

This work is divided into two major parts, as its title indicates—in fact the reprint is of two separate articles. The part devoted to special legislation is arranged in nine sections. In a logical orderly manner the provisions of the first state constitution and the several amendments are discussed, and their ineffectiveness in avoiding the evils of special legislation is made clear. An analysis of the court decisions, with careful citations, shows the influence of expediency and the courts' frequent inconsistencies. The greater part of the discussion naturally is devoted to special legislation affecting municipalities.

The paper on municipal home rule is an excellent summary of the efforts of the last thirty years in Minnesota to solve the problem of providing charters suited to individual needs of communities and avoiding at the same time the objectionable results of special legislation. A very full discussion of home-rule powers, also adequately buttressed by citations, is the meat of the discussion.

The handbook on charter making is a mine of useful information for citizens and officials of Minnesota municipalities. The book furnishes in compact form the essentials for drafting a charter for a Minnesota city. The chapters and their subdivisions are well arranged, and are followed by a good index, and a fairly inclusive bibliography.

Problems such as that of separate administrative boards are soundly treated. The commission plan of government, the commission-manager plan, and proportional representation, are other important topics well presented.

The typography and paper of *City Charter Making* might well be improved in a later edition, and such solecisms as "much of the data" (in the foreword) are especially regrettable in a university publication.

Frederick P. Gruenberg.

✣

Service Monographs of the United States Government. By the Institute for Government Research, Johns Hopkins Press, 1922–23.

The Institute for Government Research has reached the half-way mark in its Service Monographs of the United States Government. During 1922 and 1923 the following 26 volumes of this series have been published.[1]

1. The Geological Survey
2. The Reclamation Service
3. The Bureau of Mines
4. The Alaskan Engineering Commission
5. The Tariff Commission
6. The Federal Board for Vocational Education
7. The Federal Trade Commission
8. The Steamboat-Inspection Service
9. The Weather Bureau
10. The Public Health Service
11. The National Park Service
12. The Employees' Compensation Commission
13. The General Land Office
14. The Bureau of Education
15. The Bureau of Navigation
16. The Coast and Geodetic Survey
17. The Federal Power Commission
18. The Interstate Commerce Commission
19. The Railroad Labor Board
20. The Division of Conciliation
22. The Women's Bureau
23. The Office of the Supervising Architect
24. The Bureau of Pensions
25. The Bureau of Internal Revenue
26. The Bureau of Public Roads
27. The Office of the Chief of Engineers

As was once said of an important survey of the New York Bureau of Municipal Research, "These form a valuable series. They contain 3,837 pages and weigh 18 pounds and 4 ounces."

These monographs are prepared according to a uniform plan. They give, first, the history of the establishment and development of each service; second, its functions and activities; third, its organization for the handling of these activities; fourth, the character of its plant; fifth, a compilation of, or reference to, the laws and regulations governing its operations; sixth, financial statements showing its appropriations, expenditures and other data for a period of years; and finally, a full bibliography of the sources of information, official and private, bearing on the service and its operations.

It is fortunate that these monographs are not wholly descriptive in character as one might presume from reading the introduction. While no effort is made to criticize the administration and organization, or to recommend major changes, the more significant volumes in the series contain occasional suggestive critical comments. But in the main they represent an orderly fact statement of the development and present organization and activities of the various services of the government.

There is no need of saying that the standard of scholarship maintained in these studies is of a high character and that the style of publication makes them both attractive and useful. It is surprising that with the exception of a map of Alaska in No. 4 and of the United States showing national parks in No. 11, the entire series contains neither map, chart, diagram nor graph.

In the foreword the staff of the Institute expresses the hope that these monographs will "automatically reveal, for example, the extent to which work in the same field is being performed by different services and thus furnish the information that is essential to a consideration of the great question of the better distribution and coordination of activities among the several departments, establishments and bureaus, and the elimination of duplications of plant, organization and work." One is inclined to feel, however, that this is not one of the services which the monographs are destined to fulfill. Is it not too much to expect that anyone, except the trained student of Federal administration who sets himself to the task, will be able to draw material even from such available sources as the Service Monographs and to construct from them valid conclusions for the improvement of administration? Such a process is hardly automatic. In view of this fact does it not seem that the preparation and publication of this series of studies lays upon the Institute in a peculiar way the responsibility for bringing together on the basis of this material a critical and constructive program? That such a study is within the scope of the work of the Institute has already been amply attested by such books as Dr. W. F. Willoughby's, "The Reorganization of the Administrative Branch of the National Government," and by other publications of the Institute.

Buried away in the standardized appendix is the intimation that the Institute plans to make on the basis of the monographs certain cross-section studies tracing through all of the government services a single question such as technical facilities. Synthetic studies of this character will probably prove more valuable and suggestive for most of us than the Service Monographs themselves.

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[1] No. 21. The Children's Bureau is in press.

The monographs together with such supplements as may be issued in the future to bring them up to date are destined to become the most authoritative and complete discussion of the work of the various Federal services. As such they will be of particular value to administrators and students of administration. For this the cause of orderly and scientific reform owes to the Institute for Government Research and its backers a real debt of gratitude.

Luther Gulick.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Restricting the Operation of Motor Trucks on City Pavements.—The need for restricting the operation of motor trucks over city streets is more and more receiving the attention of city officials. At present the operation of trucks on certain streets is restricted by ordinance in Columbus, Rochester, Cleveland, Buffalo, Indianapolis, Grand Rapids and New Orleans, while other cities are considering similar restrictions. According to the *Toledo City Journal*, present restrictions are based mainly on two factors—traffic conditions and a desire to keep trucks from residence streets. When the traffic congestion is the reason, trucks are barred from business streets unless a delivery is to be made. In some cities, they are forbidden parkways, boulevards and residence streets, ostensibly because of their noisy operation. Although traffic conditions apparently have been the principal consideration in the enactment of these ordinances there is another reason for prohibiting the operation of trucks over certain city streets which is of equal if not greater importance. This is to prevent the destruction of pavements not designed to carry heavily loaded trucks. It is a matter of common complaint that trucks have done more to shorten the life of pavements than any other destroying force.

The only solution of this seems to be to designate certain streets as arterial highways, pave them with materials which will withstand truck travel and require trucks to operate only on these thoroughfares except when deliveries have to be made. The rapid development of motor transport between relatively distant cities as a means of carrying freight and the permissible loading of trucks have produced conditions which perhaps can alone be met by some such plan as the latter. However, if trucks are to be restricted to certain city streets it will be necessary to enforce rigid requirements governing parking of vehicles along those streets. Otherwise intolerable congestion of traffic is liable to result. Furthermore, the financing of improvement work on streets devoted to truck traffic constitutes a special problem. The need for local regulation of the motor truck apparently has added one more complication to the vexatious problem of traffic control. The economic importance alone of this matter demands energetic action on the part of city officials directed towards effecting an adequate solution of the problem.

✤

Simplification of Specifications for Asphaltic Materials.—Simplified practice in the grading of asphaltic materials which will reduce from eighty-eight to nine the grades suitable for the construction of asphaltic pavement surfaces and from fourteen to four the grades of materials used as joint filler in the construction of brick and block pavements will become effective after January 1, 1924. This reduction in the number of grades of these materials has been brought about as the result of nation-wide co-operative action on the part of engineers, contractors and producers, following a study of the problem which was initiated by Secretary Hoover of the United States department of commerce. The multiplicity and non-uniformity of specifications for asphaltic materials has long been a source of confusion both to engineers engaged in highway and street work and other government officials. These factors undoubtedly have contributed in many cases to the use of unsuitable materials to meet certain conditions which almost always result in unnecessary expense to the community concerned. All in all the diversity in grades has been the cause of considerable waste and the purpose of the study made was to eliminate this waste.

A complete report of the conference at which the reduction in the number of asphalt varieties was adopted is in process of printing and will be published about December 1 by the department of commerce as one of its series on "Elimination of Waste in Industry." It will be entitled "Simplified Practice Recommendation No. 4—Asphalt," and can be obtained from the superintendent of documents, Government Printing Office at Washington. The essential result of the conference was to define and limit the penetration requirements of asphaltic materials for street surfacing and use as a filler.

The following table gives the penetration limits as adopted:

FOR CONSTRUCTION OF SHEET ASPHALT, ASPHALTIC CONCRETE, AND ASPHALT MACADAM PAVEMENTS, AND ALSO FOR SURFACE TREATMENT

Penetration Limits

25–30	50–60	100–120
30–40	60–70	120–150
40–50	85–100	150–200

The nine ranges given are designed to meet the varying conditions, climatic and otherwise met with in street work.

FOR JOINT FILLER FOR VARIOUS TYPES OF CONSTRUCTION

Penetration Limits

30–50	60–70
50–60	85–100

The first is used primarily for brick pavements, and does not require the admixture of sand, whereas the latter three, which are identical with three of the grades adopted for asphalt pavement construction, are those which would ordinarily be used in admixture with sand to produce an asphalt grout.

In adopting these limits, it is understood that the producer will furnish asphalts with penetration equal to the mid-point in each range, a plus and minus tolerance from that mid-point being acceptable to all parties, but in no case shall the deviation exceed the limits of the grade specified.

These standards were unanimously adopted at a general conference held at the department of commerce on May 28, 1923, and have been officially accepted as the standard of practice by the highway engineers of thirty states, the American Society for Testing Materials, the Society for Municipal Improvements, the American Society of Civil Engineers, the United States bureau of public roads, the Asphalt Association, and five manufacturers not members of the Asphalt Association.

The universal adoption of the above standards should result in substantial economies in both the production of asphalt materials and the use of these materials on construction work. Their general use in the preparation of pavement specifications is to be recommended.

◆

Restrictive Provisions in State Constitution an Obstacle to Securing Adequate Municipal Water Supplies in New Jersey.—The inadequacy of present developed water supplies in northern New Jersey to meet the increasing needs of communities located in that section of the state has been realized for a long time by officials and engineers both in government and private service. During the past year the water shortage became so acute as to cause serious alarm and the present situation is one demanding prompt action to secure additional supply in order to protect both life and property in the communities concerned. The matter of developing new sources of supply has been studied by local and state officials. The State Conservation and Development Commission obtained from Allen Hazen, the prominent engineer, a comprehensive report which showed that an ample supply to meet present and future needs could be obtained for those communities by developing any one of several water-storage possibilities. Mr. Hazen also recommended that a commission be established for the purpose of developing a supply for wholesale distribution and also as a means of co-ordinating the interests of the municipal and private companies furnishing the present supply. No definite action has followed the report of Mr. Hazen and there has been much criticism of public officials for their apparent neglect in meeting the needs of the situation. That this is not the only reason for failure to act is suggested by another eminent engineer, Mr. Clemens Herschel, in a letter addressed to the **Engineering News-Record** which appeared in the issue of July 26,

1923. Mr. Herschel's comments on the present situation in New Jersey are substantially as follows:

> More than 30 years ago, some cities and towns adjacent to Boston were situated, as regards their public water supplies, very much as are now situated the municipalities encircling Newark and Jersey City. For this district in Massachusetts there was created by legislative action a Metropolitan Water Commission of three members appointed by the governor. This board took over the water-supply works of Boston and acquired other water-supply property. It borrowed large sums of money, issuing bonds on the credit of the state as security. It built works ample for the purposes of supplying water to the Metropolitan District. It paid the interest on the money borrowed, and paid off the principal from the money received for the water furnished in wholesale lots, and at wholesale prices, delivered to the several municipalities to be supplied, Boston included. The commission, since merged with like district commissions for main sewerage and for parks, is still at work. Nothing is simpler in general outline; nothing more effective, or economical. Each municipality attends to the details arising within its own borders, the commission selling water in wholesale quantities, delivered to each municipality, and furnishing the main channels by means of which it is again removed in a sanitary manner.
>
> Why cannot precisely the same plan of operation be engrafted on the life of the municipalities of northern New Jersey? Why has it not long ago been done? Why is there a continuance from year to year of a dearth of ample sanitary public works in northern New Jersey, conceived, constructed, operated and paid for, in a sane manner? The answer may be found in a portion of Article IV of the New Jersey constitution, which reads: "The credit of the state shall not be directly or indirectly loaned in any case." Therefore, instead of having commissioners with powers of initiative to construct and operate for them ample works of public, sanitary necessity, the inhabitants of northern New Jersey are put to it to get such works at all. As population increases, each little municipality becomes unable to properly care for these needs. The works then, and thereafter, needed, must be planned with a vision that extends far into the future, and far beyond the boundaries of any and of all these municipalities, and mayhap into other states than their own. Such planning must continue indefinitely, and the commissioners must have full powers of initiative and of condemnation.
>
> Of what need any "Jerseyman" be afraid should a proposition be presented amending Article IV to read: "Except for the construction, maintenance and operation of works of water supply and main drainage, to be owned by and operated for the sole benefit of the people, the credit of the state shall not be directly or indirectly loaned."
>
> The existing prohibition was intended, so it is said, to prevent the legislature from extending state aid to works of private enterprise, conducted for private gain, as in the wild days of the Camden & Amboy and other railroad ventures. It should no longer stand in the way of the creation of sanitary works needed for the public good.
>
> How many states of the Union have such a clause, as this of New Jersey, in their constitutions, it would require some study to determine. It is plain that no state should throttle the construction of needed sanitary public works in this manner. All states may, instead, well follow, in their metropolitan districts, the example of Massachusetts, since public sanitary works, comprehensive as to political subdivisions served and as to time of construction, must needs be built in the manner described or they will not be built at all.
>
> New Jersey should no longer be prevented by an antiquated clause in the constitution, designed for a wholly different purpose, from adopting the sole rational method for the procuring by the people of what the people must have to live.

✣

Buffalo's Garbage Disposal Predicament.—How far even our larger cities are from handling garbage disposal in a proper engineering manner is strikingly illustrated by the way Buffalo has dilly-dallied with its local garbage disposal problem for several years past and the predicament in which it now finds itself in consequence. In but one detail did the city authorities act effectively; they do have to their credit the calling in of a competent sanitary engineer for advice on garbage disposal bids, but they delayed doing this until after bids had been received on such very open specifications that the engineer was compelled to spend much time and go into extensive calculations in order to reduce the bids to a comparative basis.

Although this engineer's report had been before the commission council at Buffalo for months past, and endorsed by the city street commissioner and by the council commissioner in whose department garbage disposal falls, the commission has not acted upon these recommendations. Meanwhile, as has been perfectly apparent for a considerable time past might happen, the city has been ordered by the court to shut down its garbage piggery on allegations that it is a nuisance. This order was to become effective September 15, but the city authorities have secured a hearing for September 26, on an application for a modification of the order, and in addition have taken steps to carry the order to a higher court. It is to be expected that the complainants against the piggery will press for shutting it down and that, if the court grants the city relief, it will be only because of sympathy for the city in its predicament and because if the plant were closed nuisance might be caused to a far larger number of Buffalo people than would be caused to the relatively few people near the piggery if it were kept in operation.

The Buffalo example is so flagrant a one of failure by a city to see that garbage disposal must be handled as an engineering problem if grave complications and possible large and unnecessary expense are to be avoided, that we present to our readers a condensation of the very exceptional report on the Buffalo bids prepared by H. P. Eddy. The specifications on which bids were asked were so vague and so lacking in the many requirements necessary to make the bids comparable that revised estimates of cost for a 200-ton plant were far in excess of the proposals; in one case nearly four times as large. Additional calculations were required before Mr. Eddy could reach conclusions as to which method of disposal, among those offered, seemed most desirable. Before reaching this point, Mr. Eddy found it advisable to eliminate entirely all of the bids for garbage disposal by incineration. He also found it necessary to double the city specification allowances for the size of a plant for treating uneaten garbage and hog manure in case a piggery was decided upon.

In passing it may be noted that what will perhaps be to most engineers a matter of great surprise is that after careful consideration Mr. Eddy concluded that in case feeding to hogs were to be adopted, it would be wise to provide a disposal plant for the residue one half of the daily capacity of the total estimated amount of garbage collected.

The most valuable of all the advice Mr. Eddy has given to Buffalo in this matter, if only the city will heed it—and it is advice that every other city in the country confronted with garbage disposal problems should take to heart—is that the city should decide on some one scheme of disposal, have complete designs made, and then obtain bids for the construction of a plant of that type and size and none other. This is directly opposite to the general practice of American cities. City authorities generally do not put the matter of garbage disposal in the hands of their own engineering force or of competent consulting engineers, have a plan designed and specifications drawn and then ask for bids, all on such a basis of site, size of plant, contract guarantees, test requirements and total annual charges, as will make it possible to compare the bids received understandingly.

Few, if any, cities—and none we hope as large as Buffalo—would think for a minute of asking bids for a pumping station or a filtration plant, to name only two kinds of engineering work, on such vague specifications as those on which the Buffalo garbage disposal bids were based. How indefinite these specifications were may be seen in part from our abstract of Mr. Eddy's report. Had the council-commission of Buffalo attempted to award the contract on the basis of comparative bids received—and many another city has done just this sort of thing—it would almost certainly have been sadly disappointed in the results that it would have obtained when it came to count up the actual cost of installing the plant and the total annual charges.

Finally, we regret to have to say that some cities which confine their request for bids to one general type of means of garbage disposal improve upon the Buffalo specifications in degree only; that is, although they may eliminate utterly different methods of doing the same sort of work, they provide neither adequate detailed specifications or contract guarantee and acceptance tests that will indicate with any certainty what the plant will really accomplish in daily operation.

It is high time that our cities make some change in their methods of treating garbage disposal. It is to be hoped that after its present experience, Buffalo before again advertising for bids will follow Mr. Eddy's advice as to definite plans and specifications for one type of plant. Judging from reports of commission-council proceedings since Mr. Eddy's report was submitted, the commission-council has not yet seen this matter in its full and true light.

[Note.—The above comment appeared in the editorial columns of the *Engineering News-Record* of September 20, 1923. Its discussion of the Buffalo situation and its analysis of the prevailing weaknesses of municipalities in dealing with the matter of garbage disposal are so timely and sound that the editorial in question is published in full for the readers of the Review.]

ITEMS OF CIVIC INTEREST

EDITED BY HARLEAN JAMES

Secretary, American Civic Association

State and City.—A recent inquiry sent to various states in the Union to ascertain whether any state had appropriated money for the plan of its capital city brought returns from California, Colorado, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Wisconsin and Wyoming. Of these eighteen states none had appropriated money for direct participation in the plan of the capital city. In *California* in 1915 an act was adopted by the legislature providing for a state planning commission, but no appropriation was ever made to such a commission though the commission made two reports, one in 1916 and one in 1918. In 1921 the commission was abolished and its powers and duties were transferred to the state department of finance. In *Colorado* there is a tax levy for meeting the expenses of public improvements surrounding the capitol grounds which are a part of the group of civic center buildings. In *Kansas* there was for years an effort made at each meeting of the legislature to collect a part of the cost of paving the streets surrounding the capitol, but the legislature never allowed the bill. The state, however, did install a white-way system of ornamental lamp-posts around the state house, conforming with the lighting system of Topeka in consideration of the city furnishing necessary current for these lamps forever. In *Michigan* there has been a measure of co-operation between the city and state in the improvement of streets adjoining state property. In *Minnesota* the state war memorial commission has co-operated with the city planning board, but in the last legislature an effort to provide for state and city co-operation in the plan of a capitol approach failed, presumably because of late introduction.

In *Pennsylvania* the group of state buildings might appropriately be called a "State Civic Center," and an effort has been made further for the state and city to co-operate in the construction of a memorial bridge from the capitol grounds to the Hill section of Harrisburg; but this plan has been delayed because of insufficient funds voted by the state legislature. In *Rhode Island* an effort was made back in 1917 to pass a law which would harmonize the city plan of Providence in connection with the state capitol, the expense to be shared by the state and city. The report of the comission and its findings was rejected by the legislature. In *Wisconsin* about ten years ago there was a bill pending in the legislature whereby the state would purchase the ground from Capitol Park down to Lake Monona, four blocks, to be used for park purposes and a kind of civic center. It was the plan to put an office building for the state on this property and possibly a city hall. The bill did not pass.

So far, therefore, efforts to bring about state and city co-operation for a comprehensive city plan of the capital city of the state have been limited in scope and sporadic in their nature.

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National Parks Committee.—There are now about thirty organizations of national scope represented on the National Parks Committee. At a recent meeting in New York the committee authorized the printing of a second and revised edition of "A Policy for National and State Parks, Forests and Game Refuges." It is not surprising that with the rapid growth of these various areas of land the general public has received an impression that all are beneficial without stopping to define the purposes and uses of each. But wherever public lands or public funds are employed for the benefit of the people it is necessary to define carefully the conditions under which it is proper to appropriate land and money for different purposes. There is no field in which good intentions may so easily carry real danger to the parks, forests or refuges which the promoters desire to extend and protect. As soon as they are available, copies of this useful pocket edition will be sent on request. Dr. George Bird Grinnell is chairman, J. Horace McFarland and Robert Sterling Yard are vice-chairmen, Barrington Moore is secretary and John B. Burnham treasurer of the National Parks Committee.

Game Refuges in Texas.—Attention is called to the excellent editorial in the November *Review of Reviews* concerning the danger to two game refuges in Texas for migratory birds which would be incurred if plans are matured to establish a shooting club in the vicinity of the refuges.

*

Appalachian Trail.—The Commissioners of the Palisades Interstate Park and the New York-New Jersey Trail Conference invited their friends in adjoining states to attend a conference on the Appalachian Trail, which was held at Bear Mountain Inn, October 26–28. Mr. Benton MacKaye first proposed the building of the Appalachian Trail some three years ago. The trail project has been enthusiastically supported by various outdoor groups. Volunteer workers have scouted, cleared and marked many miles of trails both in New England and in the Palisades Interstate Park and adjoining regions. The evenings were spent in indoor meetings before the famously hospitable fireplace, guarded by its little iron bears and the days in scouting over the trails through the Palisades Park.

There is something very appealing in the idea of this trail to reach from the north to the south peaks of the Appalachian system. It is not a grandiose scheme for which money is being collected. The trail is being made by those who will delight in using it after the through-connections are made. It is a labor of love, and all the more valuable for that. In cutting the four-foot swathe, all trees of major importance are preserved; the trail is made to bend to that end. This adds a charm which no straight pathway through the woods could command. The trail will be quite as useful for those who love horseback riding as for those who walk.

*

A Ten-Thousand-Mile Motor Trip from the Atlantic to the Pacific leaves one outstanding impression beyond the great variety of marvelous scenery, and that is the pride which is manifested in the vast number of homes, both rural and urban. The "hill homes" of Berkeley, Piedmont, Oakland and San Francisco, display a variety, a picturesqueness, a cheerfulness and a love of the "vine and fig tree" hardly equalled in any other part of the country, and would certainly qualify as prize winners in the "moderate-income" class of American homes. The news that some forty blocks—a good square mile—of the most comfortable homes of Berkeley have burned to white ashes, destroying houses, possessions, trees and shrubbery, brings a sad regret that this neighborhood of homes produced with such loving care should have become a desert waste. The same spirit which created the neighborhood in the beginning will re-create it; but years will be needed to give it the mellow charm which the university town had cast over the area adjoining the campus.

*

Printed Matter available at the offices of the American Civic Association includes:

How to Own Your Home, a handbook for prospective home owners, prepared by John M. Gries and James S. Taylor and issued by the Department of Commerce, with a foreword by Herbert Hoover. Limited number for free distribution. Price at Government Printing Office, 5 cents.

Report on Recommended Minimum Standards for Small Dwelling Construction, prepared by Advisory Committee on Building Codes, Division of Building and Housing Department of Commerce. Price, 15 cents.

New edition Standard State Zoning Enabling Act, Division of Building and Housing, Department of Commerce. Free.

Zoning for Iowa Cities and Towns, published by the Iowa State College of Agriculture and Mechanic Arts. Free.

Tourist Camps, published by the Iowa State College of Agriculture and Mechanic Arts. Free.

Rural Planning—The Social Aspects, published by the U. S. Department of Agriculture. Free.

Plea for a City Plan, prepared by the American Civic Association for use in Galveston, Texas.

The National Forests of the Southern Appalachians—What They Mean to the East and South, issued by the Eastern District Forester, Washington, D. C. Illustrated. May be secured from the Government Printing Office at 15 cents.

Attention is also called to the exceedingly useful "Manual of Information on *City Planning and Zoning* including references on regional, rural, and national planning," by Theodore Kimball, issued by the Harvard University Press.

POLITICS AND ADMINISTRATION

Chicago to Sell City Documents.—Under an ordinance recently passed by the city council of Chicago, city documents and publications of the Municipal Reference Library will be put on sale at a price to cover cost of paper handling and printing. City and county officials, libraries within the state of Illinois, newspapers and civic organizations in Chicago may receive publications free. Sales will be in charge of Municipal Reference Library, Frederick Rex, librarian. This is the first ordinance of this character to be passed by any American city.

◆

How Much Did the Ku Klux Klan Figure in the Portland Charter Election?—A responsible correspondent writes us the newspapers broadcasted false statements when they claimed the Ku Klux Klan secured the adoption of the city manager charter in Portland, Maine, September 10.

The Klan simply injected itself into the situation a few days before election, held a mass meeting in the city hall and informed the public it was "for the new form of government," and desired to help bring it about. The Committee of One Hundred having charge of the charter campaign repudiated this action on the part of the Klan and declined its offer to help.

The success of the charter campaign was due to the continued effort of the Committee of One Hundred and the enterprising citizens of Portland who for two years have been conducting a campaign along educational lines. The *Portland Press Herald* gave magnificent help through its editorial columns.

At no time was there any question of race or religion. The citizens working for the new charter were purely interested in securing greater economy through business methods in city administration. The campaign was conducted along absolutely non-partisan lines. The only negative forces were the stand pat politicians of both parties who were reluctant to have the control of the city pass out of their hands.

◆

First Report on Cleveland Election.—At the time of going to press the count of the ballots cast at the Cleveland P. R. election had just been completed. The official count of first choices began on Thursday, November 8 and in two districts were completed by Friday and in the other two by Saturday night. The total number of valid ballots cast was 114,613. This was a shrinkage of 13 per cent from the registration. Large shrinkages occurred in other Ohio cities, that of Cincinnati being 17 per cent.

The largest vote was received by Peter Witt, who chose to run in the first district, though he lives in the first. He entered political life as a worker for Tom L. Johnson, has been a candidate for mayor, and has a unique and energetic personality which at once assures that the sessions of the new council will attract attention. Clayton C. Townes, Republican, president of the present city council, was elected in the first district on the twenty-third transfer. The quota in this district was 4,110 and six were elected; one independent, five Republicans and a Democrat.

In the second district the quota was 3,104 and five seats to be filled. No one was elected with a full quota of first choices. Two Republicans, two Democrats and an independent were elected.

The third district representing central Cleveland gave Herman Finkle, the floor leader for the Republicans in the present council, a huge surplus of first-choice votes which, by transfer, elected Steve Fleming, a negro, in the present council. Maurice Maschke, the Republican boss, had taken special pains in this district and had spoken for James McGinty, a Democrat. But he had to see the election of Miss Marie Wing, who is the secretary of the Consumer's League and who was general secretary of the Y. W. C. A. for fifteen years.

In the fourth district, which is the eastern part of the city, the largest number of first-choice votes was obtained by John Sulzmann, the dean of the present council. A. R. Hatton came next with about four hundred votes over the quota of 4,201. His campaign was a very inexpensive one, costing about $50; the bulk of this went to a college student for getting signatures to his nomination petition. Mrs. Helen H. Green, county president of the W. C. T. U., was one of the other five elected.

Maurice Maschke, Republican leader, claims a majority of three for his party in the council, but it is by including several whose independence in local affairs is a large part of their political faith. He said, "I believe the city of Cleveland has elected the best city council in twenty years. By best, I mean best equipped. Best equipped in every way." Carl D. Friebolin, president of the Citizens' League, used almost the same words in a newspaper interview, saying that it was the best city council in the last fifteen or twenty years.

The count was completed in approximately forty-six working hours. Invalid ballots amounted to 7.6 per cent of the total cast. Though a much heavier vote was cast two years ago, 20,000 more voters helped elect candidates at this than at that election. Disregarding the many who voted for winners but whose ballots were not needed to elect any of them, the number who actually shared in the election of councilmen was 85,639, or 74.8 per cent of those who cast valid ballots.

W. T. M.

⁂

Results of Ohio Referendum on Important Measures.—It appears as though it will be "over the hills to the poor house" for a number of Ohio cities after 1923, as a result of the defeat of the Taft law in the recent referendum election, unless the state legislature provides Ohio municipalities with more operating revenues next year.

In 1924, certain rates for operating purposes between the 10 and 15 mills now utilized by a number of Ohio cities will lapse. These operating rates will go back inside the 10-mill limitations prescribed by the Smith one per cent law. In view of the large sinking fund requirements which have to be paid, operating levies inside the 10 mills will certainly be decreased unless the legislature grants some relief.

The city solicitors of the state are considering making an appeal for a special session of the legislature to grant the cities more operating revenues. The Taft law, which raised the limit from 15 to 17 mills for municipalities, would have afforded this relief.

This referendum measure was decisively beaten by a vote of 360,132 Yes, to 699,156 No. At the time the Ohio Real Estate Board decided to oppose the Taft law on the grounds that land was bearing too great a burden of taxation and declared that a classification tax law should be enacted, it pledged itself to support a movement for immediate revision of the Ohio tax law to afford relief to municipalities as contemplated under the Taft law. Not only the rural districts which had been expected to vote against this law, but many of the larger cities disapproved this tax measure.

The workmen's compensation amendment to the state constitution was carried by 581,907 Yes, to 514,120 No. Both labor and employers' organizations united to promote the passage of this bill, which in substance will entitle employees to state compensation in case of disability even though it results from negligence on the part of the employer. Heretofore such cases have been carried to the state courts with resulting high litigation costs to the disabled employees as well as to the employer.

Although there is considerable sentiment favoring the theory of old-age pensions, the provisions in the old-age referendum, submitted in November, were distasteful to the voters as evidenced in the result—Yes, 387,927; No, 755,179.

In the Toledo mayoralty campaign, Mayor Bernard F. Brough, present incumbent, running on a "business administration platform," decisively defeated Edward Cullen, present vice-mayor, who was supported by the so-called labor congress. The vote was 40,454 for Brough and 29,896 for Cullen. Solon T. Klotz, Socialist, received only 2,954 votes. The total number of votes for mayor was 73,204 against a total registration of 80,724, out of about 140,000 eligible voters in Toledo. Mayor Brough carried with him a friendly council and vice-mayor.

C. A. Crosser.

⁂

Philadelphia Voters Authorize $71,000,000 Loan.—On November 6 the voters of Philadelphia approved two ordinances authorizing the creation of loans by the city totalling $71,000,000. One of the ordinances was for loans not exceeding $3,750,000, payable within 15 years; the other authorized the creation of loans not exceeding $67,250,000, payable within 50 years. According to unofficial reports, the 15-year proposition was carried by a vote of 214,359 to 24,381, while the 50-year one was approved by a vote of 199,900 to 22,899.

The $3,750,000 authorized to be borrowed for 15 years is earmarked for six purposes, while the $67,250,000 authorized for 50 years covers 22 purposes. Of the $71,000,000, $25,750,000 is for transit purposes, including surface, subway, and elevated lines, and also equipment therefor; $9,000,000 is set aside for construction of a sewage disposal plant; $5,623,000 is to be used for the Delaware River Bridge, which is being financed jointly by the states of New Jersey and Pennsylvania and the city of Philadelphia; $6,000,000 is for the extension and improvement of the water supply of the city; $5,077,000 is to pay damages, including those already assessed, for opening, widening, and changing the grade of streets, construction of sewers, and condemnation of property; $2,500,000 is for land and buildings for the department of public health; $2,000,000 is to be used for wharves, docks, bulkheads, and related work; $2,000,000 is set aside for constructing and equipping an annex to city hall; another $2,000,000 is to be used toward completing and equipping the city's art museum; $2,000,000 more is for resurfacing and repaving streets; and still another $2,000,000 is to be used for the construction of main sewers; $1,000,000 is for the construction of branch sewers; $1,000,000 is to be used toward erecting, improving, and equipping free library buildings; $960,000 is to reimburse the general fund for certain capital expenditures made, or authorized to be made, therefrom; $500,000 is for bridges; $500,000 for play and athletic grounds, golf courses, swimming pools, and bathhouses; another $500,000 is for land and buildings of the department of public welfare; $500,000 more is set aside for the grading of streets; still another $500,000 is to be used toward acquiring land, buildings, and equipment for the house of detention; and the remainder, or $1,590,000, is allotted to six other purposes.

In accordance with the provisions of the city charter, all of the purposes for which the $71,000,000 is authorized to be borrowed were certified by the city controller to city council, prior to the passage of the loan ordinances, to be "capital expenditures and not current expenses." The purposes provided for in the 50-year loan ordinance were certified by the city controller to be capital expenditures with an estimated life to the city of "at least fifty years," whereas those included in the 15-year loan ordinance were certified by him as capital expenditures with an estimated life to the city of "at least fifteen years."

Other than requiring that "all money borrowed and all debts otherwise incurred . . . for repaving or improvements of a temporary kind shall be payable within the estimated or guaranteed life to the city of such repaving or such improvements as certified to the Council by the City Controller," the city charter does not limit the term of bonds to the probable life of the assets acquired through their issuance, but permits bonds to be issued for the full 50-year period which the constitution sets as the maximum for Philadelphia.

It is obvious that much of the property that will be acquired with the proceeds of the bonds approved by the voters will not have so long a life as the city controller has certified for it, but under the city charter the city controller's certifications as to the nature and life of expenditures are final, and not subject to review. The city charter did not set as high standards of borrowing as, perhaps, it should, but it went a long way toward improving those standards. When the charter was enacted the city had the right to issue 50-year bonds for any municipal purpose whatever, and the city frequently had issued 30- and 50-year bonds for ordinary current expenses. Now it can do this only through erroneous certifications, whereas formerly it was very easy to do it.

◆

The Kansas City Charter Situation.—For several years, Kansas City has seemed to be on the verge of adopting a city manager charter. Every once in a while, the announcement goes out that a manager campaign is about to be started. However, Kansas City is still without a manager charter. Two years ago, a charter movement actually resulted in the election of a charter commission, but for numerous reasons, chief of which was probably lack of organization, the commission elected was an anti-manager commission. The charter submitted was a compromise, and failed of adoption.

Now it appears that another opportunity is at hand to select a commission which will write a manager charter for acceptance or rejection by the voters. The present movement developed out of a campaign for a new water-works system. Two years ago it was decided that a complete new water-supply system was immediately necessary. The voters, feeling that a program so large as contemplated should not be under the control of the present type of city organization, adopted a plan of a bi-partisan water commission, independent of the mayor and council, before they authorized the bonds for the new plant. A year ago, the supreme court decided that the amendment creating the bi-partisan water commission was unconstitutional.

As a result of this, the citizens' committee which had conducted the campaign for the adoption of the amendments met to determine further steps. Among the points decided by the supreme court in the decision was that Kansas City cannot amend its charter by the initiative. The present constitutional provision relating to home rule charters permits of amendment by the initiative, but the court held that Kansas City's present charter was adopted under a previous constitutional provision which did not provide for amendment in that way. Therefore, Kansas City cannot now amend its charter, except by amendments submitted by the council. This water committee, therefore, decided that a new charter was necessary, and it reorganized as the Citizens' Water and Charter Committee. Two hundred civic, business, and labor organizations were invited to send representatives to a meeting to enlarge the committee. A considerable number responded and formed the new organization. Out of this, a committee of forty was selected to carry on further activities. This committee of forty, in turn, selected a sub-committee of seven to recommend the form of charter to be proposed by the general committee of forty.

This sub-committee, after considerable discussion and investigation, recommended a platform consisting of several points, the chief of which were a city manager charter, some form of non-partisan election, and a small, single-house council, at least part of the members to be elected by districts.

This report met with some objection in the committee of forty, but was finally adopted at a meeting on November 5. An executive committee of nine has been authorized to conduct the campaign, secure signatures to petitions, employ whatever assistance may be necessary, and do all things to secure the election and favorable vote on the candidates pledged to this platform.

In order to put the question of whether a commission should be elected to frame a new charter on the ballot at a special constitutional election being held February 26, a petition signed by approximately 23,000 registered voters must be filed before the first of the year. If these signatures are successfully secured, and the election is called, then 30 days before the election the committee will file the names of the 13 candidates whom it proposes as members of the commission. These candidates will be pledged to the city manager platform adopted by the committee. Other groups may select other candidates, and the 13 receiving the highest votes will be elected, if the question of writing a new charter is decided affirmatively. The commission then has a year in which to write the charter and submit it to the people for ratification.

It thus appears that if the committee works hard, and if it secures a sufficient number of signatures, there will be an election on the charter question. Also, if it can convince the people that a manager charter is best, a manager commission will be elected and a manager charter written. The indications are that it will be successful, since there is now, and has been for several years, an extremely strong manager sentiment.

WALTER MATSCHECK.

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Results of the New York Referendum.—Five constitutional amendments and a bond issue proposition were voted on by the people of New York state at the election in November. In addition, there was an important local referendum in New York city and another in Buffalo. The results show that the electorate exercised an extraordinary amount of discrimination, and certainly demonstrated that each proposition was considered independently of the others. Moreover, a rather astonishing number of people voted on the referendum questions compared to the number who voted on candidates.

The election was in an off year, only the members of the assembly and local judges being up for election. One state-wide judicial office was filled, but no interest was aroused because both of the leading parties agreed on one candidate. Attention was, therefore, to an exceptional extent, fixed on the referendum. It may be added that it is fortunate that constitutional amendments in New York are almost always submitted to the people in an off year.

The first constitutional amendment on the list permitted the issuing of bond up to forty-five million dollars for a soldier's bonus. This amendment was carried by a substantial majority in practically all the counties of the state. There was an overwhelming vote in its favor in New York city. The home rule amendment granting powers of self-government to cities, which has been before the state for at least ten years, was adopted by a substantial majority, not only in the cities, but in most counties as well.

The third amendment opening up the forest preserve for exploitation by water power and lumber interest, which was sneaked through in the very last week of the legislative session and which was bitterly opposed by conservationists, was overwhelmed in practically every county of the state. Final figures are not available, but indicate the defeat of this amendment by a vote of between two and three to one. The majority against the amendment up state and in the rural sections was apparently even greater than the majority against the amendment in New York city. The results of this vote will have a tremendous influence, not only on the future of the state forest preserve, but also on the whole water-power question.

The fourth amendment involving the change in the taxation section of the constitution was aimed to clear the way for the adoption of a single state tax on income of public utilities. This amendment was badly worded, carried no implication of its purpose on its face, and should not have been submitted to the electorate in this form. While the vote was close, it now seems that this amendment was defeated by a small majority.

The last of the amendments permitted inmates of soldiers' homes to vote in the communities in which they had resided. There was little discussion of this amendment and it was apparently carried by a substantial majority, largely as a matter of sentiment.

The proposition for a fifty-million-dollar bond issue for state institutions was overwhelmingly carried partly as a result of a very comprehensive educational campaign in its behalf. Considering the natural aversion of the rural districts to spending state money, the affirmative vote for this proposition was very unusual, and shows that there is little fundamental difference in point of view between rural and urban communities on an important social question if this question is carefully and impartially explained.

In addition, New York city voted for an increased minimum salary for policemen and firemen by a tremendous majority and Buffalo, by a similar vote, approved a bond issue of one million dollars for a new building for the Institute of Arts and Sciences.

Some cynical observers have suggested that the people of the state are perfectly willing to vote any amount of money in the form of bond issues because the average voter does not know that bond issues have any direct effect on taxes. As a matter of fact, it is not easy to show that the relatively small state bond issues do affect the average taxpayer to any considerable extent, especially in a state in which the so-called direct tax on real property for state purposes is only used when other revenues are insufficient and bears little relation to the total amount of the annual budget.

Judging by the results of the last election, New York must be ranked among the progressive states in the successful use of the referendum device.

Robert Moses.

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Municipal Reporting.—Municipal reporting, its present status and its possibilities, was the subject of a seminar conducted by Professor C. E. Merriam at the University of Chicago last spring. The result of the work of that group is presented in the hope that it may act as a starting point for further investigations in the same direction.

A survey and appraisal of the reports of eight typical cities led to the conclusion that in those fields where the spoilsman remains firmly entrenched, such as elections, the judiciary and police, reports are either entirely lacking or are very inadequate; that the reports lack organization and in many cases are not indexed; that comparisons are not made with previous years or with other cities; that constructive suggestions are totally lacking; and that facts are not presented sufficiently simply and graphically to appeal to the ordinary reader. In brief, the municipal report of to-day is merely a record of current events, and usually a very incomplete and uninteresting one.

The more interesting side of the work lay in suggesting the lines along which municipal reporting might be developed. An analysis of the possible functions a municipal report might serve led to the conclusion that its most useful function would be as a measure of government efficiency. If popular government is to succeed, the voter must be able to measure the service his city is rendering him and to compare it with the service of yesterday, or with the service rendered by other cities. Such comparisons are impossible until the things to be compared have been reduced to a common denominator: in other words, until we have a yardstick or *standard* of measurement. The financial report was taken to illustrate how such standards might be developed. At the present time tax rates and per capita expenditures are our nearest approach to standards of measurement in this field. But a tax rate means nothing because of the wide variation in bases of property valuation, and per capita expenditures make no allowance for differences in prices and wealth from time to time and from city to city. More scientific standards of measurement might be devised by taking into consideration units costs, the purchasing power of the dollar, and community income. Tons and square yards are the same the world over, and it was suggested that the unit costs of street paving, coal, etc., when properly weighted to take care of temporal and geographical fluctuations in price, might serve as the basis for comparison with costs in private business or in other cities. In the same way the general trend of the burden of government might be shown by the relation which the total expenditures over a period of years, weighted in accordance with the changing value of the dollar, would bear to community income, also weighted according to the changing value of the dollar; and that the real burden of the public debt might be shown by the ratio between the amount of the debt and community income.

Units of measurement might be worked out in other fields of administration in the same way,[1] and it is at least conceivable that at some time in the future we may be presented with an index number of government efficiency fully as useful as Professor Fisher's index number of prices.

The development of the art of presenting material so that it will appeal to the average citizen was suggested as a field offering opportunities for infinite originality. Facts must be translated into the language of the average citizen and forced upon him so graphically and persistently that he cannot forget them. Some progress was made upon an outline of a "model" year book which would contain useful information in popular form, special emphasis being placed upon the use of charts and graphs. It was also suggested that municipal "reporting" should not be confined to the publication of annual reports and year books, but that the citizen should be constantly reminded of salient facts by means of posters, car cards, movies and the radio. The reverse side of tax receipts and vouchers, pay checks, etc., might also be used for publicity purposes.

Finally the point was made that reports of all kinds should be prepared by non-partisan experts who have no personal interest in warping facts to win elections.

Louise Overacker.

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[1] Progress has already been made in this direction in the fied of education. See Ayres: *An Index Number for State School Systems*, and Judd: *Survey of Education in Cleveland.*

The CONSTITUTIONALITY *of* PROPORTIONAL REPRESENTATION

By
WILLIAM ANDERSON
University of Minnesota

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THE CONSTITUTIONALITY OF PROPORTIONAL REPRESENTATION

THIS paper will deal briefly with a fairly simple problem in the construction of state constitutions. We may rule out all questions of federal constitutional law, since there is nothing in the federal constitution or statutes which in any way prevents the states from providing for proportional representation in state and local elections. Indeed, the problem is further simplified by the fact that in the average constitution not more than two or three sections are directly involved. Chief among these provisions are those which, after stating the qualifications of voters, go on to say that voters so qualified may vote "in all elections" or "for all officers." Other sections which may be involved are those which provide for election by ballot, those which specify whether a majority or a plurality shall be necessary for an election, and those which provide for municipal control of elections.

VOTING SYSTEMS

The ordinary system of voting by ballot in this country is one in which every voter, marking his ballot with X's, is permitted to state one and only one choice among the candidates for each of the several offices which are elective within his district. If his district is one which elects three representatives in the state legislature, he may vote one choice for each of three candidates for these three separate positions, or he may vote for two or only one without spoiling his ballot. This may be called the nontransferable ballot system. Its purpose is plurality rule. True majority rule, which is a part of the popular theory of American institutions, is not only not generally required by our constitutions and laws, but it is also attained, if attained at all, only by chance. Plurality rule is, of course, a type of minority rule. A party which has a bare plurality of votes in a bare majority of the districts or wards, may get control in a legislature or a city council, although it has the support of fewer voters than some other party throughout the state or city as a whole. In case of election at large with this system of voting, a plurality party may carry off every office.

Various alternative systems of voting have been proposed and a few have been put into practice in some cases.[1] For example, there have been experiments with *limited voting* in the election of judges, police boards, excise boards, etc. This system, which is applicable only where a number of officers are to be elected from one district to identical offices, simply limits the voter to voting for one, or two, or some other number less than the whole number to be elected from the district. The purpose is to bring about minority representation, however inaccurately. *Cumulative voting* is in use in Illinois for electing the members of the lower house of the legislature, and has been attempted also in other places. Like limited voting, this system does not apply to the filling of a single office, but it differs from that system in that each voter is allowed as many votes as there are places to be filled but may bunch them, or distribute them among the candidates, according to law, as he sees fit. The Bucklin or Grand Junction system of *preferential voting* may be used either for filling a single office or for electing from one district a number of members to one body. Whether applied to a single office such as that of mayor, or to such a body as a city council, its purpose is to bring about a true majority election. The *single transferable vote* system of balloting, commonly known as the Hare system, works best where a number of members are to be elected to some official body from the same district, but this system of voting and counting could also be used in filling a single office. It permits each voter to vote but one first choice, one second choice, one third choice, and so on to an unlimited number of alternative choices. In the final count, each ballot may count but once, and the election is determined by the attainment of a quota of votes of electors who unanimously agree upon the election of the candidate. The choice of X to the city council need not be by first choice votes alone, but may be brought about by the addition of some second, some third, and some additional choices, to his first choice votes. The purpose of this method of voting is to bring about proportional representation of all considerable groups of voters in such bodies as city councils, school boards, and state legislatures.

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[1] For more extensive discussion of these systems, see J. R. Commons, *Proportional Representation*, 2d ed; J. H. Humphreys, *Proportional Representation*.

It is not only such social reforms as child labor laws and minimum wage laws which have had to submit to the test of constitutionality in this country. Political reforms, such as primary election laws, voting machine laws, the registration of voters, corrupt practices acts, the initiative, the referendum, and the recall, have all been subjected to the same judicial scrutiny. The decisions which have passed upon the four newer forms of voting, briefly sketched above, are few in number, but highly important. They must all be considered here, since the courts have treated these methods of balloting as being similar to each other, and have applied to them substantially the same tests.

LIMITED VOTING—THE CONSTANTINE CASE

The system known as "limited voting" was tried at different times during the last century in New York City, Boston, and other American cities,[2] but there was no decision passing directly upon the question of constitutionality until 1884. By an act passed early in that year the Ohio legislature provided for police boards in certain cities to consist of the mayor and four commissioners, the latter to "be elected by the people," with the proviso that "no elector shall at any election vote for more than two persons for such commissioners, and any ballot containing the names of more than two persons for said office shall not be counted for any of the names thereon, and the four persons receiving the highest number of votes cast, shall be declared elected." The purpose clearly was to give minority party representation upon the board, but the act was attacked in the courts for illegally limiting the rights of voters.[3] The Ohio constitution of 1851, then in force, provided that each qualified elector "shall be entitled to vote at all elections."

The supreme court held the act unconstitutional. It said that under the constitution

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[2] McBain, *Proportional Representation in American Cities*, P. S. Q., 37: 281–298, 284–5; A. S. Bard, Matter bearing on the constitutionality of proportional representation in New York, etc. (typewritten), issued by P. R. League, Nov. 21, 1922.

[3] *State ex rel.* v. *Constantine* (*1884*), 42 Ohio St. 437, 51 Am. Rep. 833.

> we have no doubt that each elector is entitled to vote for each officer, whose election is submitted to the electors, as well as on each question that is submitted. This implication fairly arises from the language of the constitution itself, but is made absolutely certain when viewed in the light of circumstances existing at the time of its adoption. No such thing as "minority representation" or "cumulative voting" was known in the policy of this state at the time of the adoption of this constitution in 1851. The right of each elector to vote for a candidate for each office to be filled at an election had never been doubted. No effort was made by the framers of the constitution to modify this right, and we think it was intended to continue and guarantee such right by the provision that each elector "shall be entitled to vote at all elections." Such right is denied by this statute which provides for the election of four members of the board of police commissioners, but denies to any elector the right to vote for more than two persons for such commissioners.

This decision is important because it is the first of a series directly affecting the constitutionality of the Hare system of voting. It asserts something to have been probably intended by the convention of 1851 without quoting a word from the debates of that body. As a matter of fact, in the year 1850 the Ohio supreme court had handed down a decision sustaining an act which authorized special negro school districts in which only negroes could vote although taxes could be levied upon the property of all.[4] This decision almost directly answers the assertion that "each elector is entitled to vote for each officer, whose election is submitted to the electors" in the geographical district. It may be admitted, as is said in the Constantine case, that "No such thing as 'minority representation' or 'cumulative voting' was known in the policy of this state at the time of the adoption of this constitution in 1851." That being the case, quite obviously that constitution could neither authorize nor forbid the system of limited voting. It was simply a thing unknown, or practically unknown, at that time. To give this as a reason why there should never be any change in the system of voting by the legislature is tantamount to saying that things must remain as they are in practice, without regard to what the constitution requires them to be, until the constitution itself makes a change. The legislative power is thus reduced to almost nothing. The "dead hand" of the constitution is extended not only to all things which the framers knew about and forbade, but also to all things which they did not even know about!

In 1898 the judges of the Rhode Island supreme court were asked to give their opinion upon the constitutionality of a bill to provide for the election of the town council of the town of Cumberland upon a general ticket, with the proviso that "one person only shall be voted for by any one elector," and that "the five candidates receiving the highest number of votes shall be declared elected." The judges unanimously replied as follows:[5]

> We are of opinion that such an act would not be constitutional. Section 1 of article 2 of the constitution confers upon the persons possessing the qualifications therein specified the right to vote in the election of *all* civil officers, and on all questions in all legal town or ward meetings, and section 1 of article 7 of the amendments to the constitution also confers upon all persons who shall be qualified in accordance with the provisions thereof the right to vote in the election of *all* civil officers, and on all questions in all legally organized town or ward meetings, . . . It will be readily seen, therefore, that such an act as the one proposed would materially restrict the right to vote thus conferred upon electors, and hence would be clearly unconstitutional.

It will be observed that the Rhode Island constitutional provisions are distinctly different from those in Ohio, in that the former specifically say that the qualified elector may vote for "all civil officers and on all questions" in the respective voting districts. The New Jersey constitution has a similar provision, which declares that in his district every qualified voter "shall be entitled to vote for all officers that now are or hereafter may be elective by the people." When the same question came up in two New Jersey cases, therefore, the supreme court of that state held that a provision for limited voting for excise commissioners in cities was "plainly an infringement" of the voter's constitutional right.[6] "The constitutional mandate," the court said, "is clear and distinct." Some reliance was placed upon the Constantine case.

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[4] *State ex rel. Eastern and Western School Districts* v. *City of Cincinnati* (*1850*), 19 Ohio 178.

[5] Opinion of the Judges (1898), 21 R. I. 579 41 Atl. 1009.

The only court which has taken a contrary view on the question of limited voting is that of Pennsylvania.[7] The 1874 constitution of that state provides that qualified voters "shall be entitled to vote at all elections," exactly as in the Ohio constitution of 1851. The Pennsylvania constitution of 1838 used substantially the same language. By an act passed in 1895 the legislature created a superior court, under the supreme court and of state wide jurisdiction, to consist of seven judges. The latter were to be elected by the people of the entire state, but "No elector may vote . . . for more than six candidates upon one ballot for the said office." This provision guaranteed a minimum of minority representation upon the bench. The act was assailed in the courts as an infringement upon the right of voters. . . . The court stated the question as being this: whether the right to vote at all elections should be construed to "include an absolute right to vote for every candidate (*sic*) of a group of candidates for the same office?" To answer this question in the affirmative, said the court, would be equivalent to enlarging the scope of the words "vote at all elections" by adding thereto the words "also for every candidate of a group of candidates for the same office." This the court refused to do. "The constitution does not say so and has never been interpreted to so mean." The court then reviewed the history of legislation upon this point, and pointed out that limited voting had been used for the election of inspectors of elections (1839), for the election of jury commissioners (1867), and for the election of delegates to the constitutional convention (1872).

The attorneys argued, however, that since the Pennsylvania constitution itself establishes limited voting for the election of supreme court judges, county commissioners, the magistrates of Philadelphia, and inspectors of elections, under the maxim *expressio unius exclusio est alterius*, such a system of voting would be forbidden in other cases. The court held that this maxim did not apply. "In the cases specified the constitution is mandatory; it says to the legislature in these, enumerating them, thou shalt prescribe the limited voting plan; in the cases not enumerated but of the same kind it is discretionary." In general the court took the sound view that legislative competency is plenary, in the absence of clear constitutional prohibitions; and it refused to import into the words of the constitution a meaning which does not appear upon their face.[8]

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[6] *McArdle* v. *Jersey City* (*1901*), 66 N. J. L. 590, 49 Atl. 1013, 88 A. S. R. 496; *State ex rel. Bowden* v. *Bedell* (*1902*), 68 N. J. L. 451, 53 Atl. 198.

[7] *Commonwealth ex rel. McCormick* v. *Reeder* (*1895*), 171 Pa. St. 505, 33 Atl. 67, 33 L. R. A. 141.

[8] While there is no decision of the New York courts which passes finally upon the constitutionality of limited voting, several cases have

CUMULATIVE VOTING

The leading case on cumulative voting was decided in Michigan in 1890.[9] The Michigan constitution at that time required that representatives in the state legislature should be chosen by single districts. At the same time, no township or city could legally be divided in the formation of representative districts. When any such place had a population sufficient to entitle it to two or more representatives, "then such township or city shall elect, by general ticket, the number of representatives to which it is entitled." In 1889 the legislature enacted

> That, in all elections of representatives to the state legislature in the districts where more than one is to be elected, each qualified elector may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same among the candidates as he may see fit, and the candidates highest in votes shall be declared elected.

The Grand Rapids district was entitled to two representatives. It appears that 13,164 voters cast their ballots at the election in that city. The Democrats, over 7,000 in number, appear to have voted generally for two candidates, W. and H., giving one vote to each. The Republican voters, over 5,000 in number, in many cases voted "2" for Maynard, giving him 5,374 separate ballots, but a total "vote" of 8,368. The canvassers refused to count the ballots in the manner provided for by the statute. Maynard was credited with only 5,374 votes. W. and H., with over 7,000 each, were declared elected. Thereupon Maynard sought a writ of mandamus to compel the canvassers to certify his election.

The court held the act unconstitutional. It admitted that there was no express provision of the constitution to invalidate the statute, and it is difficult to ascertain just what provision of the constitution was construed to imply a prohibition. In general, however, the provisions quoted above as to the election of representatives, and the further provisions that "In all elections every male citizen . . . shall be an elector and entitled to vote," and that "all votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen," appear, separately and in combination, to have given the court its cue. The learned chief justice wrote that the state constitution was intended to guarantee

> a representative form of government. The foundation of such a system of government is . . . that every elector entitled to cast his ballot stands upon a complete political equality with every other elector, and that the majority or plurality of votes cast for any person or measure must prevail. All free representative governments rest on this, . . . It is the constitutional right of every elector, in voting for any person to represent him in the legislature, to express his will by his ballot, and such vote shall be of as much influence or weight in the result, as to any candidate voted for, as the ballot and vote of any other elector. The constitution does not contemplate, but by implication forbids, any elector to cast more than one vote for any candidate for any office. *This prohibition is implied from the system of representative government provided for in that instrument.* (Italics the author's.)

Since the system of representative government is nowhere mentioned in the Michigan constitution, one is tempted to quote the words of that other distinguished former member of the Michigan supreme court, Mr. T.

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involved systems of limited voting. *Demarest* v. *Wickham* (*1875*), 63 N. Y. 320; *People ex rel. Watkins* v. *Perley* (*1880*), 80 N. Y. 624; *People ex rel. Woods* v. *Crissey* (*1883*), 91 N. Y. 616; *People ex rel. Angerstein* v. *Kenney* (*1884*), 96 N. Y. 294. See also *Rathbone* v. *Wirth* (*1896*), 150 N. Y. 459.

[9] *Maynard* v. *Board of Canvassers* (*1890*), 84 Mich. 228.

M. Cooley, to the following effect:

> Nor are the courts at liberty to declare an act void, because in their opinion it is opposed to a *spirit* supposed to pervade the constitution, but not expressed in words. "When the fundamental law has not limited, either in terms or by necessary implication, the general powers conferred upon the legislature, we cannot declare a limitation under the notion of having discovered something in the *spirit* of the constitution which is not even mentioned in the instrument."

In this case, however, the court did have something a bit more secure and obvious to hang its decision upon than the vague expression "system of representative government." It went on to say that the requirement of a "general ticket" in the election of two or more representatives from one city was a reasonably clear prohibition of cumulative voting in such places, for otherwise the rights of voters in plural districts would be different from those of voters in single districts, which the court considered contrary to the constitution. In every district a voter is entitled to vote and have his vote counted, for each officer who is to represent him. Even this reasoning is not entirely conclusive, however; for if voters within any district have equality of voting right as among themselves, it can make little difference if voters in other districts have different rights as among themselves.

One of the five judges thought that the question of constitutionality was not a proper one to consider in this case. The fifth judge wrote a vigorous and cogent dissent. In his opinion the court had based its decision not upon a question of law but upon its views as to the wisdom or policy of the legislation. He thought it was not for the court to instruct the legislature as to what is involved in a republican form of government. The majority had suggested that cumulative voting could be validated only by a constitutional amendment; but the dissenting judge pointed out that if that system violated the "republican form of government," not even an amendment to the state constitution could validate it. He denied that cumulative voting gave unequal rights to electors. He disagreed with the assertion that the constitution guaranteed majority rule, or anything like it, or that majority rule was essential to a representative form of government. He said, however, that all this argument had nothing to do with the case. The legislature had decided all these points, and the court had no power to pass upon the merits of the legislation. The legislative power was vested in the legislature. "The legislative power so vested is *all* the power before inherent in the people, subject only to such limitations as are expressly or by necessary implication contained in the constitution." Courts, he declared, have no power to declare acts void because they violate some "undefined spirit of the constitution."

The Illinois constitution provides for cumulative voting in the election of representatives. Without such express constitutional authority the legislature provided in 1889 for the establishment of sanitary districts, and for the election of trustees therein by the cumulative system. This method of voting was optional, however; no voter was compelled to cumulate his votes. The act was held valid, but the exact reason for the decision is not clear.[10] On the one hand the court considered the fact that sanitary districts are not created by or mentioned in the constitution. They exist only by statutory creation and can be organized only as required by statute.

> There is no provision of the constitution requiring elections, generally, to be by a majority of persons voting, but in each article of the con-

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[10] *People ex rel. Longenecker* v. *Nelson* (*1890*), 133 Ill. 565.

> stitution, certain officers are named, and as to those there are required to be elections, but as to other officers not named, there is no requirement or restriction in this respect.

Indeed such officers as are unknown to the constitution might be either appointed or elected.

> It must follow, that since there is no restriction upon the General Assembly in regard to the mode of election of drainage trustees, it was discretionary with it to provide for their election by cumulative vote.

The court considered also the fact that cumulative voting was not compulsory under the act.

> If the act had made the cumulation of votes compulsory, a very different question would have been presented. In that case each voter would be deprived of the privilege of voting at the election of a part of the officers to be elected, and to that extent would be excluded from his constitutional right.

This statement must, however, be considered as essentially a dictum.

These are the only decisions on the question of the constitutionality of cumulative voting.[11] The Maynard case is important because it has served as a guide in later cases involving *other* methods of voting. It is unfortunate that the system should have been tried out under such inauspicious circumstances in that instance. The attempt to apply the cumulative method where only two representatives were to be elected resulted, practically speaking, in giving one member to each party no matter what the inequalities in numbers between them. This is not an attempt to justify the decision, however.

PREFERENTIAL VOTING

About 1913 there were several experiments with preferential voting. There was no decision on the constitutionality of the system as applied in Cleveland.[12] Under the Duluth charter of 1912–13, the mayor, four city commissioners, and municipal judges were to be elected by the preferential ballot, primaries being done away with. In voting for city commissioners, no vote was to be counted unless the voter cast as many first choice votes as there were places to be filled. If he voted for only three or two or one, his vote would be cast out. To many persons this would appear to be a serious limitation of the right of voters to vote, yet it was sustained by a unanimous court.[13] The power of home rule cities to regulate their own elections, subject to the constitution, was fully upheld.

> With the wisdom of these charter provisions we have no concern. They emanate from the authority having power to legislate generally as to such matters. They are the law unless they run contrary to some higher law. The state constitution is such a higher law.

The litigants were not fully satisfied with the first decisions. In a later case they presented squarely the question of the constitutionality of preferential voting.[14] Following the argument of this question, the court declared the system to be in violation of the Minnesota constitution.

> When the constitution was framed, and as used in it, the word "vote" meant a choice for a candidate by one constitutionally qualified to exercise a choice. Since then it has meant nothing else. It was never meant that the

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[11] But see also *State ex rel. Shaw* v. *Thompson* (*1911*), 21 N. D. 426, 131 N. W. 231, where a statute was held not to provide for cumulative voting.

[12] In the case of *Fitzgerald* v. *City of Cleveland* (*1913*), 88 Ohio St. 338, involving the Cleveland charter of 1913, the question was raised but not directly decided. An evenly divided court upheld the right of cities to regulate their own elections.

[13] *Farrell* v. *Hicken* (*1914*), 125 Minn. 407, 147 N. W. 815; *McEwen* v. *Prince* (*1914*), 125 Minn. 417, 147 N. W. 275.

[14] *Brown* v. *Smallwood* (*1915*), 130 Minn. 492, 153 N. W. 953.

> ballot of one elector, cast for one candidate, could be of greater or less effect than the ballot of another elector cast for another candidate. It was to be of the same effect. It was never thought that with four candidates one elector could vote for the candidate of his choice, and another elector could vote for three candidates against him. The preferential system directly diminishes the right of an elector to give an effective vote for the candidate of his choice. If he votes for him once, his power to help him is exhausted. If he votes for other candidates he may harm his choice, but cannot help him. Another elector may vote for three candidates opposed to him. The mathematical possibilities of the application of the system to different situations are infinite.

This decision, it will be observed, goes directly to the question of equality of voting right among voters in the same voting district. This is the fundamental problem. The Minnesota constitution provides that in his district every qualified voter shall, at any election, "be entitled to vote . . . for all officers that now are, or hereafter may be, elective by the people" at such election. While this language does not expressly say that every vote shall be equal to every other, there can be little doubt that such was the intention of the language. It is important to note, however, that there is no system of voting which absolutely guarantees to every voter, no matter how ignorant, or indifferent, that his vote will be absolutely equal to that of every other voter. He may vote ignorantly; he may fail to vote upon certain offices; he may mismark his ballot; he may entirely fail to exercise his voting right. If he does any of these things, his vote is in fact worth less than that of other voters. It may be worth nothing. The law cannot prevent that, but neither should it encourage inequalities. Does the system of preferential voting do the latter? The answer would seem to be in the affirmative. The elector who votes only first choice in many cases votes most effectively. The one who votes first, second, and third choices has relatively less chance of electing his first choice candidate, since his second and third choices must be for candidates other than his first choice, and this probably means for rival candidates.

In the same year the New Jersey supreme court reached the opposite conclusion with reference to preferential voting.[15] The requirements of the statute involved in this case were almost identical with those of the charter in the Duluth case. The New Jersey and Minnesota constitutional provisions are also practically identical. The decision in New Jersey was rendered by a single justice, as required by statute in the particular proceedings. The justice ruled in the first place that it was constitutional to require a voter to vote as many first choices as there were places to be filled, on the ground that the voter has no constitutional right to fail to vote, nor has he any constitutional right to advance the cause of any particular candidate by voting for him alone. On this point the justice followed the Minnesota decision, but on the preferential feature of the law he departed widely from the Minnesota court. The question was whether the second and third choice provision did not authorize the voter to vote for more officers than there were places to be filled, in violation of the constitution. We quote the answer of the justice:

> The manifest purpose of the act is to ascertain the preferences of a majority of all the voters participating in any such election, and to give effect to that preference rather than to determine the result by a plurality vote. The court cannot pass upon the policy of such legislation; . . . The conclusion I have arrived at is, that it is only

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[15] *Orpen* v. *Watson* (*1915*), 93 Atl. 853, 87 N. J. L. 69.

the choice votes which go to make a majority that are counted as effective votes, and as no voter can vote for the same person but (more than) once in expressing his different choices, he can in no way cast more than one vote which can be counted for each office to be filled, because none of his other votes enter into or influence the result. If the person for whom he votes as his first choice has a majority of that class of votes, and recourse is not had to the second choice votes, no second choice vote of his has any effect, and so if his second choice votes enter into the majority, all of his first choice votes are void so far as they affect any result. It is perfectly clear that under this method of canvassing votes to ascertain where the majority rests, the ballot of any voter can only be counted once for any one candidate. Therefore, the voter has not cast a vote for two persons for the same office in violation of any implied prohibition of the constitution on this subject.

This decision was rendered without reference to the earlier New Jersey decisions on limited voting. Stress is laid upon the fact that the successive stages in counting of votes must be kept distinct. If any candidates receive a true majority on the first count, i.e., on the count of first choices, they are elected, and there is nothing more to be done as to them. If it becomes necessary to resort to second choice votes in order to fill the entire number of places by majority votes, there is still no feature of cumulative voting involved, since no voter may vote a second or third choice for any candidate for whom he cast a first choice vote. If the system is to be attacked, therefore, it must be either upon the ground mentioned in the Duluth case, or upon one of the following: That it rejects the principle of plurality elections, which is embedded in some state constitutions; or that it makes alternative second and third choice votes equal in value to first choice votes when it is necessary to count the former in order to ascertain the true majority. The New Jersey decision did not consider these two points.

There have been several other decisions in which systems of preferential voting have been considered, but they are not of importance here. One arose out of an attack upon the Portland, Oregon, charter of 1913, which provided for preferential voting in the election of the city commission.[16] In this case it was necessary for the court to decide only that a charter adopted by the voters of a city has the same standing as a law. The state constitution authorizes the establishment by law of the system of preferential voting.

The other two cases involved the use of the preferential system in primary elections.[17] Of course, a primary election is designed merely to select certain of the stronger and more popular candidates as nominees, whose names shall appear on the ballot. A primary election is not an election to office, and does not come under the ordinary constitutional rules as to elections. One of the purposes of the Hare system of voting, as well as of the preferential system, is to avoid the necessity of holding the primary election. This is done by permitting the voter to express all his choices at one time on one ballot, instead of compelling him to appear at the polls several times to do this. In Duluth, when preferential voting at the election was declared invalid, it was necessary to restore the primary election. When this was done, the primary itself was made preferential.

THE HARE SYSTEM—THE KALAMAZOO CASE

We come then to the decisions involving the constitutionality of what is known as "proportional representation." It would be more accurate to speak, in this country, of the system of the single transferable vote. The *result* of the use of this system should be proportional representation, but the same result can be obtained with more or less accuracy by other voting systems.

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[16] *State ex rel. Duniway* v. *Portland* (*1913*), 65 Ore. 273, 133 Pac. 62.

[17] *State ex rel. Zent* v. *Nichols* (*1908*), 50 Wash. 508, 97 Pac. 728; *Adams* v. *Lansdon* (*1910*), 18 Idaho 483, 110 Pac. 280.

The Kalamazoo case was the first to be decided.[18] The 1918 home rule charter of that city, provided for a council of seven to be elected from the entire city as one constituency by the Hare system of voting. The Michigan constitution provides that "In all elections (every qualified person) shall be an elector and entitled to vote" in the district where he has residence. It is also provided that "All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen." Cities have the power to frame, adopt, and amend their charters, but "No city or village shall have power to abridge the right of elective franchise." In the Maynard case, explained above, the question involved was the constitutionality of cumulative voting in the election of representatives where the constitution provided for their election on a "general ticket."

The decision contrary to the Hare system in the Kalamazoo case was based primarily on the ground that, if seven councilmen were to be elected from the city at large,

> Each elector had the right to vote for seven candidates, by a vote not only "of equal effect with, and no more than, the vote of every other elector for every officer to be elected," but of equal potential value as to each of the seven candidates to be voted for. The Hare system limits his power to express his preference "in this manner" to but one candidate of the seven, only permitting him to express a second choice for one other, and so on by numerically dwindling and weakening choices until the elector has expressed thus "as many choices as you (he) please." . . . While each voter can under the Hare system vote for all candidates to express sequential choices as provided, it is evident that his vote is primarily and positively effective for only one candidate.

It will be readily seen that the Michigan court, in construing the state constitution, has practically added to the words "In all elections (every qualified person) shall be an elector and entitled to vote" the words "for every officer who is made elective within the district." It is not enough that there shall be equality among voters. Practically speaking, this decision is a guarantee of plurality rule. In other words, while other states have found it necessary to write into their constitutions in express words the right of the voter to vote for "all officers" and the right of the greater number to rule, in Michigan the court has practically written these words into a constitution which contains neither provision.

At the same time the court had certain additional considerations in mind. It quoted the provisions forbidding cities and villages "to abridge the right of elective franchise." It is probable, however, that an act of the legislature establishing the Hare system would have been given equally short shrift. It enlarged also upon the element of chance in distributing surpluses, which was assumed by the court to result in some cases in making votes of somewhat unequal value.

> An actuary, mathematically skilled in the application of the doctrine of chances to financial and other affairs, might work with confidence upon the possibilities of this system, but to the non-expert there is force in the *dictum* of the *Maynard Case* that it appears "too intricate and tedious to be adopted for popular elections by the people."

It asserted that the Hare system is similar to preferential voting, and subject to the same objections as were pointed out in the Duluth case. To the argument of counsel that the district to be considered was not the entire city as a geographical unit, but the single unanimous-consent district, "based on common opinion instead of arbitrary geographical lines," the court gave ear but not assent, saying that,

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[18] *Wattles ex rel. Johnson* v. *Upjohn* (*1920*), 211 Mich. 514, 179 N. W. 335.

> however alluring in theory, such intangible, undefined, theoretical demarkation by similar thought or views is not a legal substitute for what is in law recognized to be a voting constituency or geographically defined representative district, as the right of franchise has become established under our constitution.

THE SACRAMENTO CASE

The next final court decision upon this question was that filed in California.[19] There the supreme court, without assignment of reasons, refused to entertain the petition of counsel for the city of Sacramento for a rehearing of the case previously decided adversely to the city by the district court of appeal. We must, therefore, rely upon the decision of the latter as authoritatively stating the law in that state. The Sacramento charter provided for the Hare system, under the ordinary rules, for electing the city council of nine members from the city at large. It was attacked as violating the voter's right "to vote at all elections which are now or may hereafter be authorized by law." It was the assertion of the court that

> The constitutional right to vote would be a barren privilege if the legislature could limit its exercise to one office or one proposition to be voted on. The right to vote "at all elections" includes the right to vote for a candidate for every office to be filled and on every proposition submitted. The election of nine members of the city council is the election of persons to nine offices as fully as if the offices were distinct in name and in the duties to be discharged, and it is as far beyond the legislative power to limit the elector to the right of voting for one candidate therefor as it would be in the election of state or county officers.

The citations of authority go back to the limited voting case of *State* v. *Constantine*, and include also the cumulative voting cases and the preferential voting cases. Chief reliance was placed, however, on the decision in the Kalamazoo case. The court of appeals decision in the Cleveland case was distinguished on the ground that in that state cities "are given the right of local self-government in the broadest sense." The court found comfort, also, in the statement in McCrary on Elections "that minority representation and cumulative voting can be provided for only by constitutional provision."

A considerable portion of the decision was given over to a consideration of the question whether the home rule provisions of the California constitution do not authorize cities to regulate their own elections to the extent of providing for the Hare system. The court said that the answer to this question would depend upon the construction of section 8½ of Article XI, which is, in brief, as follows:

> It shall be competent in any charter framed in accordance with the provisions of this section, or section eight of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers . . . shall be elected or appointed.

The court pointed out, however, that the local charter must be "consistent with and subject to" the constitution. It also reasoned that "the manner in which" and "the method by which" officers shall be elected did not relate to the designation of the persons who should be electors, nor to the abridgment of "the constitutional right of qualified electors to vote." "Certainly by the adoption of section 8½, the people have not 'expressed with irresistible clearness' an intention to infringe and overthrow the fundamental right guaranteed by the constitution to every qualified elector of voting at all elections." It might well be asked whether the right to vote "at all elections" expresses with irresistible clearness the right of every voter to vote by the old method, and by the old method alone, for every office elective within the district. There is one provision in the California constitution which, in the writer's mind, bears directly on the question involved in the Sacramento case, but which for some reason was not cited in the appellate court's decision. The provision reads as follows:

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[19] *People ex rel. Devine* v. *Elkus*, Cal. District Court of Appeal, Third District, Oct. 23, 1922; petition for rehearing denied by supreme court (1922), 211 Pac. 34.

> A plurality of votes given at any election shall constitute a choice where not otherwise directed in this constitution; *provided*, that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of this constitution to provide the manner in which their respective officers may be elected, and to prescribe a higher proportion of the vote therefor.

This section must mean something, and it would seem to authorize cities to provide for other than plurality elections, which is the most important point involved.

THE CLEVELAND CASE

The decision of the Ohio court of appeals in the Cleveland case preceded the California decision by a few months.[20] The question was whether the provision of article 5, section 1, that each properly qualified elector shall "be entitled to vote at all elections" (this language being the same as in the California constitution) forbade a city operating under a home rule charter to provide for the Hare system of voting. The court answered this question as follows:

> If this fifth article of the constitution stood alone and was the sole measure of constitutional power in the case at bar the Constantine case might be deemed authoritative. The fifth article of the constitution, however, is not operative when it comes in conflict with Article XVIII. This is true not only because by the schedule (the) older provisions of the constitution must yield to the newer, but because the general must yield to the particular.

The court then proceeded to review several earlier Ohio decisions, in one of which it was held that the power conferred upon the legislature to create schools included the power to authorize women, in addition to men, to vote in school elections; and in another of which it was ruled that under article 18 a home rule city might extend to women the right to vote for municipal officers under the charter.[21]

> The fact, therefore, that a given elector may in the first instance vote for but one candidate, and in many instances will be limited to voting for one only, presents no constitutional difficulty.

The court went on, quite unnecessarily, to explain the rights of voters under the Hare system. It answered the charge that the system was "vague, indefinite, and incomprehensible" by saying that while it did present some difficulties for the judges of elections,

> On the part of the elector but little more is required than in voting the present judicial ballot. . . . Most of the electors will not be election officials, and it is no more important that they understand the methods of tabulating

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[20] *Reutener* v. *City of Cleveland*, Ohio Court of Appeals, Eighth District, May 6, 1922. The writer has used a typewritten copy of the decision.

[21] *State ex rel. Mills* v. *Board of Election of City of Columbus* (*1895*), 9 Ohio C. C. 134; affirmed in 54 Ohio St. 631; *State ex rel. Taylor* v. *French* (*1917*), 96 Ohio St. 172.

the votes than it is that voters understand the mechanism of the voting machines in those states where the latter are employed.

The court recognized, also, that an element of chance enters into the distribution of transferable ballots, and that there was a possibility that in some cases "a particular elector's voting strength (may be) used directly against such elector's expressed desire." This unproved and highly questionable assertion was followed, however, by this compensatory remark:

> It must be remembered, however, that the plan as a whole extends the elector's rights and opportunities. In compensating for the possibility that the plan will operate against his desires, in some instances, is the probability that on the whole he has more adequately expressed himself by exercising all his rights under the new plan than if he had exercised all his rights under the old plan. Whether or not he is paying too much for the added privilege of expressing his second and successive choices is, after all, a question that this court cannot determine.

It will be understood that the statements here quoted are entirely dictum.

In affirming this decision the Ohio supreme court definitively established the constitutionality of the Hare system as provided for in the Cleveland charter.[22] The supreme court, like the court of appeals, really based its decision upon the proposition that the power of home rule cities under article 18 of the constitution is not subject to the provision in section 1 of article 5 that each elector shall be "entitled to vote at all elections."

> To hold valid this system of voting adopted by the people of Cleveland, is merely to carry out the plain meaning of the constitutional provision that municipalities shall have all powers of local self government, and to give effect to the power which rightly takes precedence over all statutes and court decisions,—the will of the people, as expressed in the organic law.

The Kalamazoo case was distinguished on the ground that in Michigan municipal home rule charters are "subject to the constitution and general laws of the state."

There are interesting dicta in the supreme court decision, a few of which may be quoted. After quoting the provision that each voter may vote at all elections, the court said:

> On the face meaning of this section, the Hare system of proportional representation does not violate the Ohio constitution, for the elector is not prevented from voting *at any election*. He is entitled to vote at every municipal election, even though his vote may be effective in the election of fewer than the full number of candidates and he has exactly the same voting power and right as every other elector. The plaintiff in error, however, claims that the case of *State* v. *Constantine* . . . is an authority binding upon this court in his favor. . . . This case is certainly an authority against the proposition of the defendant in error. The slight circumstance that cumulative voting was condemned in the Constantine case, while it is proportional representation that is here attacked, does not greatly differentiate the cases. *State ex rel.* v. *Constantine*, however, extended the plain language of the constitution far beyond the word meaning of the provision contained in Article V, Section 1. To the clause "shall be entitled to vote at all elections," it added a clause,—"and for a candidate for each office to be filled at each election."

The court then proceeded to discuss the home rule provision.

It is entirely clear that the friends of the Hare system will be wise not to rely too confidently upon their success in Ohio. It is a splendid thing for them to have been able to establish the constitutionality of the system in a large city in a pivotal state, but the decision is hardly in the class of exportable commodities. There will be few opportunities to use it in other states. Even in other home rule states, such as California and Michigan, the decisions have already gone squarely against the system, while in Minnesota also a home rule state, there is a decision on preferential voting which has been construed by the attorney general of the state to be broad enough to forbid the Hare system of voting.[23]

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[22] *Reutener* v. *City of Cleveland* (*Ohio, S. C., March 6, 1923*). The writer has used a typewritten copy of the decision.

THE CONSTITUTIONAL RIGHTS OF VOTERS

Enough has been said in the preceding paragraph to show how unsatisfactory is the law on this important question. The question is, What is a sound construction of the state constitutional provisions on the right of electors to vote? These provisions are to be found in many different forms, but it may be said in advance that in no state constitution is there any *express* prohibition of proportional representation or limited, cumulative, or preferential voting.[24]

1. There are at least six constitutions (Del., Minn., Mont., Nev., N. J., N. Y.,) which provide, with slight variations in language, that every elector shall be "entitled to vote *for all officers* that now are or hereafter may be elective by the people." Four of these constitutions add "and upon all questions which may be submitted to the vote of the people." (Del., Mont., Nev., N. Y.)

2. Eleven constitutions provide that each elector shall be "entitled to vote *at all elections.*" (Cal., Col., Ind., Iowa, Md., Mo., Ohio, Ore., Pa., Wash., W. Va.) The constitution of New Mexico says: "qualified to vote at all elections for public officers." The Florida provision is: "be deemed a qualified elector at all elections under this constitution."

3. The constitutions of Arkansas and Wyoming provide that every qualified elector shall be entitled "to vote *at any election* in the state," and the Louisiana constitution has the same provision with certain exceptions. In Alabama and North Carolina the wording is: "entitled to vote at any election by the people." In Illinois the provision reads: "entitled to vote . . . at any election." In Georgia and Michigan the provisions read, with slight verbal differences, "shall be an elector and entitled to register and vote at any election by the people."

4. Three constitutions (Conn., Ky., Neb.) provide simply that every person with certain qualifications "*shall . . . be an elector,*" or voter. Seven others provide that each such person shall be a "qualified elector" or voter. (Ida., Kan., Miss., N. D., Okla., S. D., Wis.) In six of these constitutions (Kan., Ky., N. D., Okla., S. D., Wis.), the residence requirements are so stated that the provision may mean that the qualified voter is entitled to vote *at any election.*

5. In four states the bills or declarations of rights have the provision that every qualified person shall "*have an equal right to elect officers,* and to be elected." (Mass., N. H., S. C., Vt.) In the same constitutions are other provisions more particularly defining the qualifications of voters, and stating in some cases the titles of offices which may be filled by election.

6. The provisions on the points here involved in the constitutions of Arizona, Louisiana, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, Oregon, Rhode Island, South Carolina, Texas, Utah, and Virginia, are either so scattered, or so complicated, or so unusual in some respect, as to call for separate discussion. Unfortunately there is no place here for this discussion.

What the writer wishes to emphasize by this brief summary is the fact that the pertinent provisions in the different state constitutions are not identical. In the main they fall into the six large groups outlined above, but even within the groups there are differences in statement which may mean differences in meaning or intention. It is not accurate to say that there is any uniform common or constitutional law upon the points involved. In each state the question must be studied from the point of view of the constitutional history and phraseology of that particular state.

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[23] Opinion rendered Dec. 1, 1921; see *Minnesota Municipalities,* 7:81–85.

[24] The constitutional provisions can be found *in extenso* in Kettleborough's *State Constitutions.*

At the same time, if we go far enough back, we shall find a common historical background. In each state to-day, with certain express exceptions in a few states, there is a uniform set of qualifications for all voters. In colonial days, however, the law and the practice were almost exactly the opposite.[25] In a single borough or city, different persons might be entitled to vote as the result of having different qualifications. As between several boroughs in the same colony, there might be still other differences. People living outside of the incorporated towns or boroughs could qualify as voters in ways which did not conform to those known within such places. A voter might be qualified to vote for certain officers, and not for others. Indeed, diversity was the rule rather than uniformity. This was not so true in New England as elsewhere, but in no single colony in early colonial days could one point to one single set of electoral qualifications of uniform application in all places and to all persons. There were different classes of voters for different purposes. Instead of equality there was inequality. Such tests as existed related to property ownership, freemanship, conformance to religious standards, residence or attachment to the place, and other factors.

THE RIGHT TO VOTE "FOR ALL OFFICERS"

The long struggle between the colonists and the agents of the king which culminated in the Revolutionary War was to some extent a leveling movement. At least some of those who participated looked forward to a society in which the aristocracy would have lost its power, and in which men would be politically equal. The first state constitutions did not reflect any immediate success for this movement. In the New York constitution of 1777 a distinction was made between those who could legally vote for representatives and those who could vote for senators. Any male person who had a freehold of the value of 20 pounds, or who was a taxpayer and rented a tenement to the value of 40 shillings per year, was permitted to vote for representatives. On the other hand, none could vote for state senators unless he had a freehold of the value of 100 pounds.[26] The upper house was distinctly designed to be the representative of the propertied interests. In the constitutional convention of 1821 there was a strong movement for establishing the equality of men. A committee dealing with the question of the elective franchise brought in a report recommending that

> Every white male citizen of the age of twenty-one years, who shall have resided in this state six months next preceding any election . . .

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[25] See A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America*, and C. F. Bishop, *History of Elections in the American Colonies.*

[26] N. Y. Const. 1777, arts. VII, X. There was a similar distinction made in the first constitution of North Carolina, and it may have existed elsewhere. The federal constitution itself recognizes this distinction, for in providing for the election of representatives in Congress it says they shall be chosen by the electors in each state having "the qualifications requisite for electors of *the most numerous branch* of the State legislature."

shall be entitled to vote at such election, in the town or ward in which he shall reside, for governor, lieutenant-governor, senators, members of the assembly, and all other officers who are or may be elected by the people.[27]

A few days later Mr. Erastus Root proposed an amendment stating that every person with certain different qualifications "shall be entitled to vote, in the town where they (he) may actually reside, for any elective officer in this state."[28] When this amendment came up for debate, Mr. Ambrose Spencer of Albany proposed to amend it by inserting the following words after the word "state"; "other than for senators; and that in elections for senators, every free male citizen, of the age of 21 years, who shall have been, one year next preceding the election, an inhabitant of this state, and at the time of offering himself as an elector, shall have an interest in law or equity, in his own or in his wife's right, in any lands or tenements in this state, of the value of $250 over and above all debts charged thereon, shall be entitled to vote for senators in the town or ward in which he shall reside."[29] This proposition was supported by Mr. Spencer, Mr. Chancellor Kent, and several others, as necessary to give adequate protection to property. The senate should be the bulwark of the propertied classes. If the same voters were to elect both houses of the assembly, what would be the utility in having two houses? The doctrine of equality was a radical and dangerous thing. The disproportion between the men of property and of no property was daily increasing. It was predicted that within a century, if all men were equal in voting power, the state would be governed by "the motley assemblage of paupers, emigrants, journeyman manufacturers, and those undefinable classes of inhabitants which a state and city like ours is calculated to invite." Indeed, the city of New York would rule the state! There was only one salvation. Let none but men of property, the honest, independent, temperate and just class of small farmers and other freeholders, control the senate. They, said the Chancellor, "are the surest guardians of property."

The debate thus begun extended over several days. It was ably sustained on both sides, the exponents of equality being rather more numerous and cogent. The issue was clearly understood. It was not whether every voter should vote for every senator, or even whether he should vote for every one elected in his district. Not a word was said which in any way indicated any confusion upon this point. It was simply the question whether there should be one class of voters for all purposes, or different classes of voters for different purposes. Mr. Root's amendment would have been more specific and more clearly expressive of his point if it had said: "There shall be but one class of voters for all purposes. No class of officers shall be chosen by any but the general body of voters." Or, in other words, each properly qualified person shall be entitled "to vote for all *classes of* officers" which now are or hereafter may be elective within the voting district. The purpose was to make all voters equal, to abolish voting classes. So far as the debate goes, there was no intent shown to prohibit either single district voting or plural district voting, limited voting, cumulative voting, preferential voting, or the Hare system. Methods of voting simply were not discussed.

When the vote was taken the exponents of equality among voters showed a handsome majority. The language of Mr. Root's proposal was slightly changed at a later date, for his amendment was somewhat awkwardly drawn, and his idea was embodied in the words: "Every male citizen (having certain qualifications) shall be entitled to vote . . . for all officers that now are, or hereafter may be, elective by the people."

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[27] Debates and proceedings of the Convention, etc., 1821, pp. 70-71.

[28] *Ibid.*, p. 106.

[29] *Ibid.*, p. 113.

This provision became a part of the New York constitution of 1821. Later it was written into the constitutions of other states, perhaps from a feeling that New York's constitution was a worthy model to copy, perhaps from other and more obscure motives. In Minnesota, the New York form of words was adopted without a word of discussion. It would be a nice piece of historical research, which the writer has not attempted, to go through the constitutional debates in the other states involved to ascertain the reasons given for adopting the New York form of language for conferring the right of suffrage upon the voters. A cursory examination of some leading constitutional debates leads the writer to the conclusion that little or nothing would be revealed with reference to the different methods of voting discussed in this paper. The tentative conclusion is that these questions were not considered at all in earlier days, and that they have not frequently been discussed even in later conventions. If this be true, it cannot be said that our constitutional conventions had any strongly-evidenced intention to forbid these methods of voting, some of which were scarcely known in the fore part of the last century.

THE RIGHT TO VOTE "IN ALL ELECTIONS"

Whatever may be the historical explanation, it cannot be denied that the New York form of statement gives some ground for asserting the right of each voter to vote effectively for each and every officer to be elected. The same cannot be said for the provisions which say that a voter may vote "in all elections," or "in any election," or that he shall be a "qualified elector." These phrases certainly do not indicate upon their face any intention other than that of establishing an equality among electors. There is nothing in the words used to prove the intention of the framers to insist upon any special system of election, or to guarantee plurality rule under the system of the non-transferable vote. What we know of the history of suffrage provisions in the colonies, and of subsequent efforts to bring about reform, indicate clearly the purpose of later constitution framers to establish uniform voting requirements and to give each voter equality of right with every other. To say that these provisions purposely or even inadvertantly establish the system of the non-transferable vote, which must result in many cases in mere plurality rather than majority rule, is to assert the improbable and perhaps the unprovable. If 40 voters vote for one candidate, 35 for another, and 25 for a third, under the non-transferable voting system the 40 are worth more than the 60. If this be equality then we can say with Pliny, who was discussing voting in Rome, that "nothing is so unequal as the equality which prevails." Equality of voting right should mean the right of the true majority to rule, and of the minority to be represented and heard.

ELECTIONS BY PLURALITIES

In popular elections under the system of voting by non-transferable ballots, it is difficult to bring about true majority elections. In order to obviate this difficulty a number of states have legalized plurality elections by constitutional provision, while others have done so by statute. This is, of course, a case where principle has had to compromise with expediency. Wherever the constitutions establish the legality of plurality elections, it may be implied that the Hare system of voting is unconstitutional. This is, however, more certainly true of such a system of preferential voting as was involved in the Duluth case than of the Hare system. The mere mention of plurality elections seems to imply the use of the non-transferable vote. The particular form of wording of such provisions needs, however, to be studied with care. In some cases it may be within the power of the legislature to establish by legislation the rules of evidence to determine what shall be considered "the highest number of votes." The Arizona provision appears to be the most sweeping. It provides that "In all elections held, by the people, in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected."

The antagonism in principle that exists between the idea of plurality elections and that of either preferential voting or proportional representation is referred to in several of the cases cited above, but in no case has such a provision been made the basis of a decision. This antagonism is illustrated also by the Oregon constitutional provision which expressly authorized both preferential voting and proportional representation in that state.[30]

CONCLUSION

The foregoing analysis of the cases may be made the basis for several constructive proposals. In the first place it must be admitted that the constitutionality of the Hare system of voting is somewhat in doubt. In two states it has been declared unconstitutional. Where this is true there is no remedy other than that of a state constitutional amendment, unless perchance, on reargument the supreme court in any such state might be brought to reverse itself. In the second place it must be admitted that in the states where voters are guaranteed the right to vote "for all officers" elective by the people, the language of the constitution does give some support to the idea that the Hare system of voting is invalid. Should any case arise touching this question in such a state, great stress should be laid upon the fact that the evident intent of this provision was not to give each and every voter the right to vote for each officer. The true purpose seems to have been to establish equality of right among voters. It is interesting to note that the constitution does not say "vote for each officer" but "vote for all officers." Third, in the states where the constitutional provision merely says "vote in all elections" or "in any election" the intention clearly was to establish equality of right among voters and nothing more. No evidence has yet been presented of any intention to go farther than this. In fact, in certain states even this idea of equality of right has been broken down by statutes which have created special classes of voters for special purposes. Such statutes are a most serious violation of the purpose of the constitutional provisions. If any court sustains such a statute and at the same time denies the validity of the statutes regulating the method of voting, the court is certainly straining at a gnat while swallowing a camel. The fundamental principle to be kept in mind is that of *equality of right among voters*. Stress could well be laid upon the fact that the ordinary systems of voting, which establish plurality rule, destroy the equality which should exist.

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[30] Oregon Const., Art. II, sec. 16; adopted as initiated amendment, 1908.

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